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George Bancroft

363

THE
Statutes at Large;
BEING
A COLLECTION
OF ALL THE
LAWS OF VIRGINIA,
FROM THE
FIRST SESSION OF THE LEGISLATURE,
IN THE YEAR 1619.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY
OF VIRGINIA, PASSED ON THE FIFTH DAY OF FEBRUARY,
ONE THOUSAND EIGHT HUNDRED AND EIGHT.

—:—:—
VOLUME XI.

—:—:—:—:—
By WILLIAM WALLER HENING.

—:—:—:—:—
“The *Laws* of a country are necessarily connected with every thing be-
longing to the people of it: so that a thorough knowledge of *them*, and
of their progress would inform us of every thing that was most use-
ful to be known about them; and one of the greatest imperfections
of historians in general, is owing to their ignorance of law.”

PRIESTLEY'S LECT. ON HIST. VOL. I. pa. 149.

RICHMOND:
PRINTED FOR THE EDITOR,
By GEORGE COCHRAN.

1823.

Checked
May 1913

WE, Peter V. Daniel, Robert G. Scott, William H. Roane, and Alexander L. Botts, members of the executive council of Virginia, do hereby certify that the laws contained in the Eleventh Volume of HENING's *Statutes at Large* have been, by us, examined and compared with the originals, by Peter V. Daniel and Robert G. Scott, from page 1 to page 184, inclusive, by Robert G. Scott and William H. Roane, from page 185 to page 360, inclusive, and by Robert G. Scott and Alexander L. Botts, from page 361 inclusive, to the end, and have been found truly and accurately printed, except as to a list of errata, to the number of forty-one at the end of the volume. Given under our hands this 28th day of June, 1823.

P. V. DANIEL.
ROBERT G. SCOTT
W. H. ROANE.
A. L. BOTTS.



BINDING
NUMBER
OF 1898.

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PREFACE

TO THE

Eleventh Volume of the Statutes at Large.

IN the ninth and tenth volumes of this work, we have seen the commencement and progress of the AMERICAN REVOLUTION; in this volume, we happily perceive its termination.

Until the cessation of hostilities in April 1783,* Virginia never ceased in her exertions to furnish her full quota of men and money, in compliance with the requisitions of congress, under the articles of confederation, as her laws sufficiently attest.

While the war continued, a sense of common danger formed a bond of Union between the states, which drew forth their resources for the common defence. But on the return of peace, the defects of the *Articles of Confederation* began to manifest themselves. So early as the year 1783, the British government, pursuing that policy which she has ever deemed essential to the preservation of her navy, on which, it must be admitted, her national existence depends, commenced a system of commercial restrictions, in relation to the trade between the United States and her West India islands. Congress proposed the adoption of countervailing regulations. But to give them efficacy, the assent of all the states became necessary. Virginia very early passed her act, conferring the power on congress; but suspended its operation until all the states in the Union should pass similar laws. The preamble to this act is well worthy of perusal.† Experience evinced the difficulty of procuring the assent of *all* the states, to *any* commercial restrictions, as well as the grant of such powers to congress, as would best tend to raise a revenue from *duties* on imported articles; which revenue was essential to the restoration of public credit, and the discharge of the public debts. This power also was granted by Virginia, with a similar suspension.‡ The necessity of vesting in a congress, differently organized from that under the confederation, powers competent to provide for the national welfare, gave rise to the present *Constitution of the United States*.

* See the proclamation of congress of the 11th of April, 1783, declaring the cessation of arms, as well by sea as by land, page 549.

† See page 313, 388.

‡ See page 350.

PREFACE.

Among other papers of less importance, the appendix to this volume contains the Proclamation for a cessation of hostilities;* the Report of commissioners, extending Mason's and Dixon's line, and fixing the south west corner of Pennsylvania, which was necessary to complete the series of papers heretofore published,† a reference to the Laws of Virginia and Resolutions of Congress, on the subject of HALF-PAY, and COMMUTATION;‡ a Digest of the Laws concerning *Land-Bounties*|| and additional papers respecting the Cession of the North Western Territory, in which the origin of the *mistake*, which has operated so injuriously to the *state troops* of Virginia, it is believed, is satisfactorily explained.¶

WILLIAM WALLER HENING.

* See page 549.
page 559, 565.

† See page 554.
‡ See page 566.

‡ See page 556, 557.

¶ See

List of Governors of Virginia, during the period comprised in this Volume.

Benjamin Harrison, esq. continued governor, until the 29th of November, 1784, when Patrick Henry, esq. was again elected.

AT A

GENERAL ASSEMBLY.

BEGUN AND HELD

At the Public Buildings in the Town of Richmond, on Monday the sixth day of May, in the year of our Lord one thousand seven hundred and eighty-two, and in the sixth year of the commonwealth.

Benjamin
Harrison,
esq. gover-
ner.

CHAP. I.*

[* Chap. XLI
in original.]

An act giving farther time to pay taxes in certain enumerated commodities and paying the allowances to the wives, parents, and families of soldiers.

I. WHEREAS by an act passed the last session of general assembly, entitled "An act for laying taxes in certain enumerated commodities," all persons chargeable with the said taxes, were directed to deliver the same to a commissioner of the county before the first day of May, one thousand seven hundred and eighty-two, which period hath been found too short, and it is judged expedient to give further time for the collection and paying thereof: Preamble.

* In the original, the chapters are continued progressively from the end of the last session, though the paging commences anew. But in the Chancellors' Revision, the acts of this session commence with chap. I, instead of XLI, as in the sessions acts. In this edition the arrangement of the Chancellors' Revision will be pursued, both in the chapters and sections.

VOL. XI.

B

Further time
allowed to
pay taxes in
certain enu-
merated com-
modi-
ties.

II. *Be it therefore enacted*, That all persons chargeable with the said taxes shall be allowed to discharge the same in the enumerated commodities according to the said recited act, at any time before the first day of September next; and the said commissioners appointed within their respective counties, pursuant to the aforesaid act, are hereby authorized and required to receive the same, and to make return thereof to the court of their said counties, in the manner therein directed, immediately after the said first day of September.

Duty of com-
missioners of
tax & sher-
iffs.

III. *And be it farther enacted*, That the said commissioners respectively, shall make out a correct list of all deficiencies, and deliver the same to the sheriff of the county, on or before the tenth day of September, who shall proceed thereupon in all respects; and shall account for and pay the money into the treasury, on or before the twentieth day of November next. The said commissioners shall make a return of the manner in which they have executed the trust reposed in them by this act, to the executive, or to such person or persons as shall be duly authorized by the executive for that purpose, on or before the first day of October next; and also on or before the aforesaid day, shall return to the auditors of public accounts, a list of balances by them delivered to the sheriff to collect. Any commissioner failing within the time herein before prescribed, to deliver to the sheriff of his county, a list of deficiencies, or to the executive, or to such person or persons as shall be duly authorized by the executive for that purpose, an account of his receipts and issues, with the vouchers, together with a return of the manner in which he has executed his trust, or to the auditors of public accounts, a list of balances by him delivered to the sheriff, shall forfeit and pay the sum of fifty pounds for each offence, to be recovered in the first case by motion in the court of his county, at the instance of the attorney for the commonwealth, and applied towards lessening the county levy, and in the latter cases by motion in the general court, at the instance of the solicitor-general, and to be applied in aid of the revenues of the commonwealth.

IV. *And be it farther enacted*, That so much of the above recited act as comes within the purview of this act, be, and the same is hereby repealed.

V. And whereas by an act of general assembly, passed in the October session, one thousand seven hundred and seventy nine, making provision for the support of wives, parents, and families of soldiers, it is provided, that the county courts may, and are thereby empowered to grant allowances to such wives, parents and families of soldiers as are so poor that they cannot maintain themselves; and the mode of obtaining such allowances has become inconvenient: For remedy whereof,

VI. *Be it therefore enacted*, That all such allowances which have been made, and are not yet received, as well as those which shall hereafter be made by any county court to the persons therein described, it shall and may be lawful for any commissioner of the specific tax of the county, and he is hereby required, upon application, to pay the same on the party producing a copy of the order for such allowance, attested by the clerk of the county, (which copy the clerk is hereby directed to grant without charging any fee for the same) if so much shall be in the commissioners hands, and every such payment shall be allowed to the commissioners respectively on passing their accounts; any act or acts contrary thereto notwithstanding.

Allowances to wives, parents & families of poor soldiers, how paid.

VII. And whereas no provision is made in the said recited act, by which the charges for expences incurred in the execution thereof, may be checked or properly limited:

VIII. *Be it farther enacted*, That the executive, or such person or persons as the executive shall appoint for the purpose, may and shall have power to examine into such charges, and to admit or alter them in such manner as shall appear just and reasonable.

Expenses of execution of act, how adjusted.

IX. And whereas many commissioners may have already received, or shall receive before the end of this session of assembly, the specific articles or money in lieu thereof under the said recited act, and it is proper that in such cases the commissioners who shall have so received specifics or money, shall make speedy payment or delivery thereof:

X. *Be it enacted*, That all such commissioners as shall have so received specifics or money, shall, on or before the tenth day of August next, make return of the said receipts as in this act is before directed, to the

Specifics or money actually recovered to be immediately paid.

and that they may be subject to the orders of the executive for the immediate payment or delivery of the same.

[Chap XLII,
in original]

CHAP. II.

See May
1783, ch. II.

An act for appropriating the public revenue.

Preamble.

Treasurer to
keep dis-
tinct ac-
counts of the
revenue.

I. WHEREAS in a just appropriation of the revenue of the state, the public faith will be best preserved, its credit supported, public inconvenience avoided, and the quantum of supplies furnished for the use of the United States more certainly ascertained: *Be it therefore enacted by the General Assembly*, That the treasurer of this commonwealth shall raise and state an account upon his books for the amount of all monies received for every species or subject of taxation specified in the act for ascertaining certain taxes and duties and for establishing a permanent revenue; in which accounts, except the one for the land tax, shall be distinguished the articles commutable for the same, the amount of the receipts paid into the treasury therefor, and the places where deposited.

Appropriations.

II. *And be it enacted*, That a sufficient sum arising from the land tax, as also upon all other taxable articles except as hereafter excepted, shall be set apart and applied to the sole purpose of paying off and discharging all sums of money due to the several officers of civil government, including the members of congress and of the general assembly, and the officers of every denomination attending thereon; also that the sum of ten thousand pounds be applied to the use of the executive, to enable them to defray the contingent charges of government; and the residue, if any there be, shall be appropriated to the payment of the interest which shall become due on the several emissions of paper money called in and funded under the act for calling in and funding the paper money of this state; and a further sum which may be sufficient for the payment of the in-

terest as aforesaid, shall also be set apart and applied to the said purpose.

III. *And be it farther enacted*, That all sums of money which shall be received into the treasury for taxes upon all taxable articles, except as before directed and as hereafter excepted, shall be appropriated to continental purposes, and shall be applied to the credit of this commonwealth, upon the requisitions of congress of the fourth day of October, one thousand seven hundred and eighty-one, retaining so much money or specifics only as shall be sufficient to discharge certain debts now due from the state agent for the purposes of his department; and also the sum of fifteen thousand pounds to discharge future expenditures in the military department of the state.

IV. *And be it farther enacted*, That the money arising from the taxes payable in certain specific articles agreeable to the act for laying taxes in certain enumerated commodities, shall be appropriated by the treasurer, in aid of the other appropriations herein before directed, towards the credit of this state upon the requisitions of congress, retaining the sum of five thousand pounds for the payment of pensions due to wounded or disabled soldiers, agreeable to any act or resolutions of the general assembly, or of pensions or allowances to wounded or disabled officers, or to the widows or children of any officer or soldier.

V. *And be it farther enacted*, That the duties on tonnage and on all articles of import specified by the said last-recited act, shall be appropriated for and towards the naval disbursements of this commonwealth as directed by law, and to no other use, intent or purpose whatsoever.

VI. And whereas the necessities of civil government and the arrears due thereon, require some more immediate provision than the appropriations of revenue herein directed will create; *Be it farther enacted*, That warrants issued by the auditors of public accounts for all arrears of wages, or salaries, allowed by law to the governor, the members of the privy council, judges of the high court of chancery, judges of the general court, judges of the court of admiralty, the treasurer, attorney general, auditors for public accounts, commercial agent, commissioner of war, solicitor general, clerks to the council, to the treasurer, to the auditors, to the

What civil list warrants are to be received for taxes.

commercial agent, clerk to the solicitor general, to the commissioner of war, the agent appointed to state and adjust the accounts of this commonwealth against the United States, the keeper of the public gaol, the public armourer, the director of the hospital, the public printer, the door-keepers to the council and to the auditors, the delegates to congress, the speaker of the senate, and of the house of delegates, the members of the general assembly, and the officers of every denomination attending thereon, the secretary to the late governor, and the clerks of the superior courts and other officers attending thereon, and which may be due to the time of issuing such warrants, shall be receivable in discharge of taxes imposed by the said last recited act: And the several sheriffs or collectors shall be allowed a discount with the treasurer, in their settlements for the said taxes, for all warrants so by them received.

VII. *And be it farther enacted*, That all matters or things contained in any act or acts heretofore made, and coming within the purview of this act, shall be, and the same are hereby repealed.

[Chap. XLIII
in original.]

CHAP. III.

An act for recruiting this state's quota of troops to serve in the army of the United States.

3000 troops
for continen-
tal army to
be raised.

I. FOR the more speedy recruiting this state's quota of troops in the continental service, *Be it enacted*, That three thousand men, of able bodies and sound minds, at least five feet four inches high, not being deserters, and between the ages of eighteen, and fifty years, shall be forthwith raised in the several counties of this state, in the proportion hereafter mentioned, that is to say: One able-bodied man, such as above described, for every fifteen militia-men: And for effecting that purpose in the most equitable manner,

II. *Be it enacted*, That within ten days after the receipt of this act, which the governor is directed to transmit as soon as possible, the lieutenant or commanding officer of the militia of each county shall summon the field officers of his county to meet at the courthouse, or some other convenient place in the county, within ten days thereafter; and the said county lieutenant or commanding officer, with the field officers, or a majority of them, shall proceed to divide each county into as many classes or districts as there are men required from each county respectively, making such classes as equal as may be, having regard as well to an equal proportion of taxable property in the county, including the property of exempts, as the number of able-bodied men. And to enable them to proceed with precision, the clerk of the county, clerk of the court-martial, and captains of the respective companies shall attend the said officers with returns of the taxable property and tithables made by the commissioners and magistrates acting under the act entitled, "An act for ascertaining certain taxes and duties, and for establishing a permanent revenue," and a minute of the last division of the county in classes, and the roll of each company of militia.

How to be raised.

Counties divided into classes.

III. *And be it enacted*, That each class or district aforesaid, shall, within twenty days after such division is made, enlist or cause to be enlisted, one man such as above described, to serve as a soldier in the continental army for three years or during the war, and deliver him to the lieutenant or commanding officer of the county, or pay a sum equal to one eighth part of the taxes payable by the several persons of which such class shall consist, under the act above-mentioned, to such person as they or a majority of them shall appoint to receive the same, which sum, or so much thereof as shall be paid, shall by such person be delivered to the lieutenant or commanding officer of the county as aforesaid, on or before the expiration of the time before-mentioned, for the enlistment of a soldier or payment of the money in lieu of him. And in case of failure of the payment of such sum or delivering such soldier as aforesaid, it shall and may be lawful for the lieutenant or commanding officer of the county to recover the said sum, or so much as such collector may have received, by motion in the court of his coun-

If not enlisted for 3 years or the war, to be drafted for three years.

ty, with costs and five per centum by way of damages, provided such collector has ten days previous notice of such motion; and the clerk of the county shall furnish the person first named in each class with the names of all free persons in such class, and the sum each person shall be chargeable with. And the person so first named shall appoint a meeting of the class within five days after the same shall be divided, at which meeting such of the class as shall attend, or a majority of them, shall and may choose a collector, who shall be a freeholder, or possessed of visible property to the amount of one hundred pounds, to receive the sums payable from the individuals of such class, or to enlist such soldier; and in case of failure, the person first named as aforesaid, shall be collector, and each person attending shall be informed by the collector or person first named in the class, of the sum which they are respectively to pay; and in case the same shall not be paid or such soldier enlisted within the time herein before limited, such collector shall make a return to the county lieutenant or commanding officer of the names of those who have neglected to pay, and the sums due from each person, distinguishing in such return, those who are able-bodied militia-men. And such county lieutenant or commanding officer shall order the captain or commanding officer of the company to which such delinquents or a majority of them belong, to cause one of the said able-bodied militia-men to be drafted, by fair and equal ballot, to serve in the continental army as a soldier for three years, who shall be entitled to the same pay as other soldiers raised by this act, and to twelve pounds bounty, and also to all other emoluments given to the continental soldiers by law. And in case only one able-bodied man in any division or class shall fail to pay his proportion of the sum required by this act, he shall be considered as a continental soldier for three years, in the same manner as if he had been drafted by ballot. And such county lieutenant or commanding officer shall grant his warrant to the collector of each district, authorising and empowering him to levy the sums due from the persons so returned as delinquents respectively, by distress and sale of their goods and chattels, in the same manner as is by law directed in the case of county or parish levies, which warrant the

said collector is required to obey, and on failure to execute the same, or to pay the money when received to such county lieutenant or commanding officer, he shall be liable to the same proceedings and penalties as is before directed with respect to money received by him.

IV. *And be it enacted*, That every person enlisted by any class or district under this act, shall, within the time aforesaid, be delivered to the lieutenant or commanding officer of the county, who shall take such order for his security as he shall think proper. And on the said recruit taking the oath of a soldier and signing his enlistment, he shall be entitled to pay and subsistence as a continental soldier; and such lieutenant or commanding officer shall deliver him to such continental officer as shall be appointed for the purpose of receiving recruits in manner hereafter mentioned, but may in the mean time furlough such recruit, not exceeding ten days at one time.

Recruits,
how disposed.

V. *And be it farther enacted*, That the governor, with the advice of the council, shall appoint so many officers of the line, not being in actual duty, as he shall think necessary, to receive the soldiers enlisted under this act, and also to receive from the lieutenants or commanding officers of the several counties, all such sums of money as shall be received by them: They shall pass receipts to such county lieutenants or commanding officers for the men to be delivered and the money to be paid to them, and shall sign duplicates of such receipts, one of which the county lieutenants or commanding officer shall transmit to the governor and council, and shall also transmit to the governor and council within twenty days after the time prescribed for receiving the money or recruits before-mentioned, an account of all men and money received by them, and of the proceedings taken against the delinquent classes, and of the officers to whom such men shall be delivered or money paid, and such officer shall proceed with the utmost diligence in the business of recruiting. Every able-bodied man, as before described, inlisting for three years or during the war, shall be entitled to a bounty of twelve pounds, to be paid as soon as he shall be sworn, and to the same pay and emoluments as other continental soldiers of this state's quota are entitled to; and such recruiting officer shall receive forty shillings for every such recruit by him inlisted,

Officers of
the line to
receive recruits.

Bounty, pay,
and emoluments.

for his trouble and expences, and such recruiting officers shall, once in every month, make due returns to the governor and council of all recruits which shall be delivered to or recruited by such officers, and of all monies received by them respectively, and shall obey such orders as they shall from time to time receive from the governor and council respecting such recruits and money; and in case such county lieutenants or commanding officers, or any of them, shall fail to pay all sums by them received for the purpose aforesaid, on demand, to the officers authorized to receive the same, or shall fail to pursue the measures by this act directed for the recovery thereof, the solicitor general shall be authorized and empowered to recover all such monies received, and such sums as have been neglected to be recovered in the manner before directed, by motion in the general court, giving ten days previous notice of such motion; and where the county lieutenants or commanding officers shall fail to make return of the men and money by them received and to whom delivered, and of the measures pursued against delinquent classes, the judgment shall be for the whole sum required of the county where such failure shall be.

Quakers and
menonists,
how exempt-
ed from per-
sonal ser-
vice.

VI. *And be it farther enacted,* That where any quaker or menonist shall be drafted in consequence of this act, he shall not be compelled to serve, but shall pay to the collector of his district the sum of fourteen pounds, which sum, if payment thereof be refused, shall be levied on his goods and chattels as is herein before directed in other cases of distress, and shall be paid to or recovered by the lieutenant or commanding officer of the militia, in the same manner as other monies received by him.

Expresses,
how procu-
red.

VII. *And be it enacted,* That the lieutenant or commanding officer in every county shall be authorized and empowered to hire expresses to give notice to the field officers of his county, the county clerk, clerk of the court-martial, and captains or commanding officers of the companies, to attend the aforesaid meeting, and also to transmit the return of his proceedings to the governor and council, which expresses shall be entitled to receive twelve shillings per day, to be allowed by the auditors on the certificate of the lieutenant or commanding officer of each county. And if any lieutenant or commanding officer of a county shall fail to

summon the field officers in manner before directed, he shall forfeit and pay the sum of one hundred pounds; and if he, or any of the field officers captains or commanding officers of companies, and clerks of the county courts and courts martial, shall fail to attend the meeting by him appointed as aforesaid, unless prevented by sickness or other unavoidable circumstance, he or they so failing shall forfeit and pay the sum of twenty pounds each; all which penalties may be recovered in any court of record, by action of debt, information or indictment, and shall be applied one half to the informer, and the other half to the use of the commonwealth. And in case any officer of the line shall misapply, embezzle, or neglect to account for the monies received by him as directed by this act, he shall be liable to a judgment for all monies so misapplied, embezzled or unaccounted for, by motion in any court of record, at the instance of the solicitor general, together with costs and five per centum damages, provided such officer have ten days previous notice of such motion.

Fines, for delinquencies

VIII. *And be it further enacted*, That where the sum payable by any class shall amount to more than the sum of fourteen pounds, the overplus shall be paid to the lieutenant or commanding officer of the county, and shall be applied towards the payment of bounties to recruits and expences attending the recruiting service, in such manner as the governor, with the advice of the council, shall direct.

Surplus of funds, in a class, how disposed.

IX. *And be it further enacted*, That the furnishing of a recruit by any class, shall exempt such class from the payment of the said sum of fourteen pounds, and no more; and that in case of failure in payment of the overplus, the same proceedings shall be had for the recovery of such overplus as is herein before directed for the recovery of the proportions of delinquents in other cases.

Furnishing a recruit, exempts the class.

X. And whereas many counties have failed in whole or in part to furnish the several quotas of regulars in their respective counties since the year one thousand seven hundred and seventy-seven, as required of them:

Counties failing to furnish the former quotas, to be reported to the general assembly;

XI. *Be it therefore enacted*, That the lieutenants or commanding officers of the militia of each county shall, on or before the first day of November next, transmit to the governor, the most exact state that at this time

can be procured of the several quotas from time to time furnished by each county respectively, and where they have failed raising the quota required of them, shall transmit the reasons of such failure, to be by him laid before the next general assembly, that order may be taken to compel such counties as have been deficient to make up such deficiencies in men, or just compensation therefor in money, so as to place the whole state on an equality as near as may be.

XII. And whereas many county lieutenants and commanding officers have resigned their commissions since the year one thousand seven hundred and seventy-seven, and others have been appointed in their place:

Returns of
officers re-
signed to be
made.

XIII. *Be it enacted*, That every such person who may have resigned since the time above-mentioned, shall, on application from such commanding officer, be obliged to make return to the present lieutenant or other commanding officer of the county where he held such commission, who is hereby commanded to transmit the same with the return of his own transactions. And in case any lieutenant or commanding officer shall fail to do so, he shall forfeit and pay the sum of one hundred pounds, to be recovered and applied in the same manner as other penalties by this act to be inflicted.



[Ch. XLIV
in original.]

CHAP. IV.

An act to empower the justices of York to hold their courts at any other place in the said county than their present court-house.

Justices of
York autho-
rised to hold
courts, at a
ny place in
the county,
while the
court house
in York town
is occupied
by the troops
of our allies.

I. *BE it enacted by the General Assembly*, That the justices of the peace for the county of York shall, and they are hereby empowered to hold their sessions at such place in the county as they may think proper, so long as the court-house in the town of York shall be occupied by the troops of our allies.

CHAP. V.

[Ch. XLV.
in original.]

*An act for farther continuing an act
entitled An act to exempt artificers
employed at iron works from militia
duty.* [Chan. Rev.
p. 157.]

I. WHEREAS the act of assembly passed in the year one thousand seven hundred and eighty-one, entitled "An act to exempt artificers employed at iron works from militia duty," which was continued by several subsequent acts, will expire at the end of this present session of assembly; and it is expedient and necessary that the same should be farther continued: *Be it therefore enacted*, That the act entitled "An act to exempt artificers employed at iron works from militia duty," shall continue and be in force from and after the expiration thereof, for and during the term of one year, and from thence until the end of the next session of assembly, and no longer.

Act exempt-
ing artificers
at iron works
from militia
duty further
continued.

CHAP. VI.

[Ch. XLVI.
in original.]

*An act for granting pardon to James
Hughes and Robert Smith.*

I. WHEREAS it hath been represented, that James Hughes and Robert Smith are now in public jail under sentence of death for the crime of treason against the state; the commission of which proceeded not from a disposition to oppose or subvert the government of this commonwealth, but from ignorance and the artful seduction of others in the case of the said Robert Smith, and the coercion of the enemy in the case of the said James Hughes whilst in captivity; and the said James Hughes and Robert Smith have petitioned this assembly to be pardoned for their said crimes, and it being

Pardon
granted to
James
Hughes and
Robert
Smith, who
are under
sentence of
death for
treason.

LAWS OF VIRGINIA,

expedient to extend grace and mercy to those who have not committed heinous and flagrant acts of treason:

II. *Be it therefore enacted by the General Assembly,* That the said James Hughes and Robert Smith shall be, and they are hereby pardoned of the crimes of which they are convicted by sentence of the general court, and shall be discharged by the keeper of the public jail.

[Ch. XLVN,
in original.]

CHAP. VII.

[Chan. Rev.
p. 157.]

An act to authorize the treasurer to receive certain warrants and certificates in payment for waste and unappropriated lands.

Military war-
rants & cer-
tificates to
be received
for land war-
rants.

I. *BE it enacted by the General Assembly,* That auditors warrants and certificates for military service shall be received by the treasurer in payment for waste and unappropriated lands, at the same scale of depreciation as is allowed by an act of assembly entitled, "An act for calling in and funding the paper money of this state."

CHAP. VIII.

[Ch. XLVIII
in original.]

An act for the recovery of slaves, horses, and other property, lost during the war. [Chan. Rev. p. 157.]

I. WHEREAS great numbers of slaves, horses, and other property belonging to the citizens of this commonwealth and of the neighbouring states, have, during the war, been carried off, or have gone from their owners and been concealed by wicked and evil disposed persons; and it is reasonable that the owners should be enabled to recover their property in an easy and expeditious manner: *Be it therefore enacted*, That any person or persons who have any such slave or slaves, horses or other property in his or her possession, and who shall not before the first day of October next deliver such slave or slaves, horses or other property to the owner or owners thereof, if known, and if not known, publish a particular description of such slave or slaves, horses or other property three times in the Virginia gazette, shall forfeit and pay the sum of fifty pounds. And if any person or persons possessed of such slave or slaves, horses or other property as aforesaid, shall delay to deliver or publish the same as above directed, within the time hereby limited, he or she shall forfeit and pay the sum of five pounds, for every month he or she shall so delay after the said first day of October next, and shall moreover be liable to the action of the party grieved at the common law, in which the plaintiff shall recover double damages. And if the defendant in any such action shall not immediately pay and satisfy the damages, he or she shall be imprisoned six months, without bail or mainprize, unless the damages are sooner discharged; the act of insolvency, or any other law to the contrary notwithstanding; and the act of limitation shall be no bar to such action.

Slaves, horses, & other property lost during the war, how recovered.

Persons having such property in possession, to advertise in Gazette.

II. *And be it further enacted*, That all and every person and persons from whom any such slave or slaves, horses or other property have gone or been taken as aforesaid, on application to any two justices of the peace for the county where such slave or slaves, horses or other property may be, and making proof,

Penalty for failure.

to the satisfaction of such justices, of his or her right to such slaves, horses, or other property, and that the same were taken or went off from him or her in consequence of the invasion of this or any of the neighbouring states, shall be entitled to a warrant from such justices, under their hands and seals, directed to the sheriff or any constable of the said county, commanding them, and each and every of them, to take such slave or slaves, horse or horses, or other property, and deliver the same to the owners thereof. *Provided*, That before granting such warrant, the person or persons demanding the same shall give bond, with sufficient security, in such sum as the justices shall direct, payable to the person or persons in whose possession the slave or slaves; horse or horses, or other property claimed as aforesaid may be, to return the same to the possessors in case he or she so claiming shall fail to prove his or her right to such slaves, horses or other property, at the trial of any suit to be brought for the same.

Proprietors may obtain warrants for taking their property; giving bond &c security.

Two justices may secure property suspected to belong to others unknown.

Wandering slaves may be committed to prison. Proceedings thereon.

III. *And be it further enacted*, That where any person or persons shall be possessed of any slaves, horses or other property suspected to have gone or to have been taken from their owners, in consequence of any invasion as aforesaid, it shall be lawful for any two justices of the peace for the county where such persons reside, on information to them made, to cause such person or persons to come before them, and if such suspicion shall appear to them to be well founded, after hearing the parties, to cause such person or persons to enter into a recognizance to the governor or chief magistrate of this commonwealth, in such sum as the said justices shall judge reasonable, and with sufficient security, on condition that he or she shall not sell, dispose of or secrete any such slave or slaves, horses or other property, for such time as the said justices shall think proper, not exceeding one year. And when any slave or slaves shall be found wandering about, it shall be lawful for any justice of the peace to commit such slave or slaves to the gaol of his county, by warrant under his hand and seal, and the sheriff or gaoler is hereby required to receive such slave or slaves, and to confine him, her or them in close gaol for three months, unless the owner or owners of such slave or slaves shall sooner appear. And such sheriff or gaoler shall, within

three weeks after such commitment, cause such slave or slaves to be advertised in the Virginia gazette, which advertisement shall be inserted in three successive papers, and if no owner shall appear within the time limited for the confinement of such slave or slaves, the sheriff or goaler may hire out such slave or slaves for the payment of his prison fees and the expences of advertising. And if the owner shall apply within the time aforesaid, he shall pay the said fees and expences of advertising, and the further sum of twenty shillings for each slave so confined and advertised as aforesaid.

IV. *And it is further enacted*, That the penalties by this act imposed may be recovered in any court of record in this commonwealth, by action of debt, indictment or information, and shall be applied, the one half thereof to the use of the commonwealth, and the other half to the use of the informer. *Provided always*, That this act, so far as it respects the penalties to be incurred for not delivering to the owner, or not publishing any such slaves, horses or other property, shall not extend to bona fide purchasers of such slaves, horses or other property, or to such as may have pursued the method directed by the laws now in force for taking up of strays. *Provided also*, That this act shall not extend to slaves, horses or other property taken by the enemy and retaken in action by any soldier or citizen of this state, or any of the United States, except where the same were by capitulation or agreement to be returned to their owners.

Penalties
how to be
recovered &
appropriated.

Bona fide
purchasers
exempted
from penalties.

Act not to
extend to
property taken
by enemy and
retaken in action.

{Ch. XLIX,
in original.}

CHAP. IX.

An act giving further time to the purchasers of lots in the towns of Moorefield and Bath to build thereon.

Further time
allowed pur-
chasers of
lots, in towns
of Moore-
field and
Bath, to
build there-
on.

I. WHEREAS the purchasers of lots in the town of Moorefield, from the difficulty of procuring materials, have not been able to build on their said lots within the time prescribed by an act entitled, "An act for establishing the town of Moorefield, in the county of Hampshire:

II. *Be it therefore enacted*, That the farther time of three years, from the passing of this act, shall be allowed the purchasers of lots in the said town to build upon and save the same.

III. And whereas the purchasers of lots in the town of Bath, in the county of Berkeley, labour under the like inconveniences, arising from the same causes; for remedy whereof,

IV. *Be it further enacted*, That the purchasers of lots in the said last mentioned town shall be allowed the farther time of three years, from the passing of this act, to build on and save the same; any law to the contrary thereof notwithstanding.

CHAP. X.

[Chap. I., in original.]

An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth.

Continued
by May 1783
c. 4, & Oct.
1783, c. 10.

I. *BE it enacted by the General Assembly, That* the courts of the several counties within this state shall, and they are hereby empowered and required either to hold special courts, or to appoint so many of their own body as to them shall seem most proper, to collect and state, from the best proof the nature of the case will admit of, the various losses and injuries, both public and private, which have been sustained within their respective counties during the war, from the depredations of the enemy in their several invasions, and to state the same under so many different heads as such losses or injuries may consist of, and return their proceedings herein, together with the proofs made in support thereof, to the governor and council, to be by them laid before the next assembly.

County
courts to collect & state
evidence of
injuries from
depredations of the
enemy.

How to re-
port their
proceedings.

CHAP. XI.

[* Chap. LI in original.]

An act to survey certain roads.

I. *WHEREAS* the roads from the passes in the Preamble. mountain commonly called the Blue Ridge to the seat of government, and to other sea-port towns, and from one sea-port town to another, are so indirect and unfixed that great difficulty and expence hath arose to the good people of this commonwealth travelling thereon, as well as greatly encreasing the public charge of carriage: To prepare for the remedy of which evil,

II. *Be it enacted, That* where any one or more persons shall employ a surveyor, with his proper attend-

Survey of roads through the passes in the Blue Ridge to the seat of government, or to sea port towns, and from one sea port town to another, authorised, at the expense of the parties employing surveyors, at his or the said employers own expence, to survey any road or roads as aforesaid, and the surveyor with his said attendants shall first, before some justice of the peace, make oath or affirmation that they will justly and truly do their duty in the mensuration and survey so employed in by the employer or employers aforesaid, and having a certificate thereof from the said justice, shall be permitted and empowered to take the courses and measure the said roads, and mark the distance of miles on any of the natural grown trees on the sides thereof, if his instructions from his employer or employers so direct; and the said surveyor who shall have been so qualified and run his courses along the traverses and meanders of any road from the said mountain to the seat of government, to any other sea-port town, or from one sea-port town to another, shall hereby be further empowered, with his necessary attendants as aforesaid, without any let or hindrance whatsoever, to run a protracted or straight line to his place of departure, or to any other point, to ascertain the true distance, that the same may be laid before the next or some future general assembly of this commonwealth, to take future order therein.

III. *And be it further enacted*, That if any person or persons shall stop, oppose or hinder any surveyor or his attendants from doing their duty therein as aforesaid, upon proof thereof made, he or they shall pay all costs attending such survey, and the penalty of ten pounds, to be recovered in any court of record within this commonwealth. *Provided nevertheless*, That no protracted course of any survey to be made as aforesaid, shall be run between the first day of May and the fifteenth day of July, whereby damage shall be done to any field of grain by the surveyor and his attendants passing through the same, without consent of the owner thereof.

IV. *And be it further enacted*, That any penalty recovered by virtue of this act, shall be appropriated towards lessening the county levy where such recovery shall be made.

CHAP. XII.

[Chap. LIH
in original.]*An act to establish a town at the court-house in the county of Buckingham.*

I. WHEREAS it hath been represented to this general assembly, that the laying off ninety-six acres of land in lots and streets for a town at the court-house in the county of Buckingham, will be of great utility:

Town of
Greenville
at Bucking-
ham court-
house esta-
blished.

II. *Be it therefore enacted*, That ninety-six acres of land, lying on the public road leading from the said court-house down the country, and uninclosed, being part of a large tract of land the property of John Cox, be, and the same is hereby vested in John Nicholas, Joseph Cabell, Thomas Miller, Charles Patteson, and Thomas Anderson, gentlemen, trustees, to be by them, or any three of them, laid out into lots of half an acre each, with convenient streets, which shall be, and the same is hereby established a town, by the name of Greenville: That so soon as the said ninety-six acres of land shall be so laid off into lots and streets, the said trustees, or any three of them, shall proceed to sell the said lots at public auction for the best price that can be had, the time and place of which sale shall be previously advertised for three months in the Virginia gazette, the purchasers to hold the said lots respectively subject to the condition of building on each of the said lots a dwelling-house sixteen feet square at least, to be finished fit for habitation within five years from the day of sale; and the said trustees, or any three of them, shall, and they are hereby empowered to convey the said lots to the purchasers thereof in fee simple, subject to the condition aforesaid, and pay nine-tenths of the money arising from the sale thereof to the said John Cox, his heirs, executors, administrators or assigns, and the remaining one-tenth to apply towards repairing the court-house and building a prison for the said county: *Provided always*, That four of the said lots in the centre of the said town shall be, and they are hereby reserved for the public use of the said county.

Commons.

III. *And be it further enacted,* That one hundred acres of land, the property also of the said John Cox, and adjoining the said town, be, and the same is hereby vested in the said trustees, to and for the common use and benefit of the inhabitants of the said town. The said trustees, or the major part of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and orders for the regular and orderly building of houses thereon, as to them shall seem best and most convenient; and in case of the death, removal out of the county, or other legal disability of any of the said trustees, it shall be lawful for the other trustees to elect and choose so many other persons in the room of those dead, removed or disabled, as shall make up the number; which trustees so chosen shall be, to all intents and purposes, vested with the same power and authority as those in this act particularly mentioned:

IV. *And be it further enacted,* That the purchasers of the lots in the said town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds of conveyance, shall be entitled to, and have and enjoy all the rights, privileges and immunities which the freeholders and inhabitants of other towns in this state not incorporated by charter have, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said trustees, or the major part of them, may thereupon enter into such lot and may sell the same again, and apply the money towards repairing the streets, or in any other way for the benefit of the said town.

CHAP. XIII.

[Chap. LIII,
in original.]*An act for altering the place of holding courts in the county of Lunenburg.*

I. WHEREAS it is represented to this present general assembly, that the situation of the present court-house in the county of Lunenburg is inconvenient to the inhabitants thereof:

Place of holding courts in Lunenburg county removed.

II. *Be it therefore enacted*, That the justices of the said county of Lunenburg, or a majority of them, shall provide for building, as soon as may be, a court-house, prison, pillory, and stocks, on some convenient place at or near the centre of the said county; and that after such buildings shall be compleated, a court for the said county shall be constantly held at such place, and that in the mean time, and until such buildings shall be compleated, the justices may hold their sessions at such place as they may think most convenient.

CHAP. XIV.

[Chap. LIV
in original.]*An act to amend the several acts of assembly for appointing and supporting our delegates in congress.*[Chan. Rev.
p. 158.]

I. WHEREAS by an act intituled, "An act to amend an act intituled, An act limiting the time for continuing the delegates to general congress in office and making provision for their support, and for other purposes," it is enacted, that no person shall thereafter be eligible to or capable of serving in congress for more than three years in any term of six years; and since the passing the said law the confederation of the United States hath been compleated, whereby it is declared, that no person shall be capable of sitting in con-

See vol. 9, p 158. Vol. 10, p. 163.

Limitation to 3 years service to delegates to congress repealed.

Future provision for delegates.

gress longer than three years at any one time, and thereby so much of the said recited act is become unnecessary. And whereas the present mode of supporting the delegates in congress is inconvenient: *Be it enacted by the General Assembly,* That so much of the said recited act as limits the time of continuing the delegates in congress from this commonwealth, shall be, and the same is hereby repealed. And for providing a more certain and adequate mode of supporting and paying the delegates in congress from this state, in lieu of the former pay and allowance heretofore made them, they, and each of them, shall have and receive the sum of eight dollars per day for every day they shall be travelling to, attending on, and returning from congress, to be paid them quarterly out of such public money as shall hereafter be set apart and appropriated for that use. All and every act or acts that come within the purview and meaning of this act shall be, and the same are hereby repealed.

Repealing clause.

CHAP. XV.

[Chap. LV
in original]

[Chan. Rev.
p. 159.]

An act for the speedy recovery of debts or effects due and belonging to the United States.

Judgment, by motion, against persons, indebted to, or having effects of, U. States.

I. *BE it enacted by the General Assembly,* That it shall be lawful for any court within this commonwealth, and they are hereby required, upon motion and legal proof to them made, to give judgment against every person or persons for the amount of all such sums of money as he or they shall owe or be indebted to the United States; also upon motion and legal proof, to give judgment against all and every person or persons possessed of any of the effects or property belonging to the United States for such effects and property, together with costs in either case, and to award execution thereupon: *Provided* ten days previous notice be

given to the defendant or defendants of every such motion, and the party making the same producing to the court a proper power and authority to receive such money, effects or property, in behalf of the said United States.

CHAP. XVI.

[Ch. LVI,
in original.]

An act giving certain powers to the commissioners appointed to settle the accounts between this state and the United States.

[Chan. Rev.
p. 159.]

I. BE it enacted by the General Assembly, That the commissioners appointed or to be appointed by authority of congress to settle the accounts between this state and the United States, as well as the accounts of the quarter-masters and commissaries, the hospital, clothier and marine departments, shall be, and they are hereby empowered to call before them and examine, upon oath or affirmation, any witnesses they may think necessary respecting the settlement of the said accounts. Every person called upon and refusing or neglecting to appear before the said commissioners and give testimony, not shewing good cause for such refusal or neglect, to be adjudged of by the court, shall forfeit and pay the sum of thirty pounds, to be recovered by motion in any court of record, with costs, and applied to the use of the commonwealth; *Provided* the party hath ten days previous notice of such motion. Witnesses thought necessary shall attend in consequence of a summon from the commissioners, and those residing within the same county shall be allowed the same pay as witnesses attending the county court, and such as live in other counties shall be allowed the same pay as witnesses attending the general court.

Commissioners appointed to settle accounts between this state and U. States, authorised to summon witnesses.

Penalty on witnesses.

Their allowance.

LAWS OF VIRGINIA,

[Ch. LVII.
in original.]

CHAP. XVII.

An act to empower the court of hustings within the borough of Winchester to license and regulate ordinary keepers.

Court of hustings of Winchester to have exclusive power of licensing ordinaries and regulating them.

I. *BE it enacted by the General Assembly, That the court of hustings for the borough of Winchester shall have the sole and exclusive power of granting licenses to keep ordinaries within the said borough, regulating the same, and restraining of tippling houses, in the same manner and under the like rules and regulations as are prescribed for the justices of any county court within this commonwealth by an act intitled, "An act for regulating ordinaries and restraint of tipling houses."* And that the court of the said county of Frederick shall not exercise any jurisdiction in that case as hath been formerly done. *Provided always, That nothing in this act shall be construed to deprive the court of the said county of Frederick of their jurisdiction where any indictment is or may hereafter be found, any information filed, or action of debt brought against any person for retailing liquors without license.*

Clerk to set up list of licensed ordinary keepers.

II. *And be it further enacted, That the clerk of the said court of hustings shall, on the first Tuesday in May and November annually, set up in the court-house of the said county a list of all licensed ordinary keepers within the said borough, for the information of the grand jury.*

Ordinary keepers incapable of acting as judges of hustings court.

III. *Provided always, and be it further enacted, That all ordinary keepers shall be incapable of being elected or acting as judges of the said court of hustings.*

CHAP. XVIII.

(Ch. LVIII
in original.)

An act to amend an act intituled, An act for suspending in part the operation of the act concerning escheats and forfeitures from British subjects.

I. *BE it enacted by the General Assembly, That all the slaves formerly belonging to Walter King, which were escheated under the act concerning escheats and forfeitures from British subjects, and purchased for the use or on account of this commonwealth, be restored to Walter King Cole, and be vested in him and his heirs and assigns forever.*

Slaves of Walter King escheated & purchased on behalf of commonwealth, restored to Walter King Cole.

II. *And be it enacted, That so much of the act of assembly intituled, "An act to suspend in part the operation of the act intituled, An act concerning escheats and forfeitures from British subjects," as gives the said Walter King Cole, or any other person, a right to demand any kind of price or compensation for the sale of the said slaves, (other than reasonable hire for the time they remained in the public service, which is hereby directed to be accounted for and allowed to the said Walter King Cole) shall be, and is hereby repealed: Saving to all persons, other than the said Walter King and all persons claiming under him, all the right, title and interest they would or might have had if this act had never been made.*

So much of former act as gives Walter King Cole, any compensation, except reasonable hires, while slaves in public service, repealed.

III. *And whereas by a deed of bargain and sale from John Harmer, esquire, of Great-Britain, to George Harmer, esquire, now a citizen of this commonwealth, all the estate both real and personal of the said John Harmer, lying and being in this commonwealth, is conveyed to the said George Harmer, in fee simple, and other parts of the said estate beside that situate in the county of Henry, has remained unsold under the escheat and forfeiture act, and the operation of the said act is only suspended so far as relates to the lands in the said county of Henry:*

Recital of conveyance from John Harmer to George Harmer of all his estate real and personal in this commonwealth.

IV. *Be it therefore enacted, That all the other estate, of what nature or kind soever, which formerly be-*

All the estate formerly belonging

to John Harmer declared not subject to escheat.

George Harmer authorized to recover said estate and subject to debts of John Harmer.

belonged to the said John Harmer, within this commonwealth, and which now remains unsold by virtue of the escheat and forfeiture act, and which is conveyed by the said John Harmer to the said George Harmer, by the deed aforesaid, is hereby declared not to be subject to the said act concerning escheats and forfeitures from British subjects. And the said George may, and he is hereby authorized and empowered to sue for and recover any estate either real or personal, to which the said John Harmer was entitled, in this commonwealth, in the same manner as he, the said John Harmer, might or could have done were he now a citizen of this commonwealth. And the said George Harmer shall be, and he is hereby made subject to be sued and proceeded against in law or equity for any debts or transactions of the said John Harmer, in this commonwealth, in the same manner as he, the said John Harmer, might or could be if he was now a citizen thereof.

CHAP. XIX.

[Ch. LIX
in original.]

An act to establish a town on the lands of William Bradley, in the county of Culpeper.

Town of Stevensburg in Culpeper county established.

I. WHEREAS it hath been represented to this present general assembly, that the laying off fifty acres of land whereon William Bradley now lives, in the county of Culpeper, in lots and streets for a town, will be of great utility:

II. *Be it therefore enacted.* That fifty acres of land, being part of a larger tract, the property of the said William Bradley, and whereon he lives, be, and the same is hereby vested in Burkett Davenport, John Wharton, Robert Slaughter, junior, Robert Pollard, Richard Waugh, James Duncanson, and French Strother, gentlemen, trustees, to be by them, or any four of them, laid out into lots of half an acre each, with convenient streets, which shall be, and the same is hereby

established a town by the name of Stevensburg: That so soon as the said fifty acres of land shall be so laid out into lots and streets, the said trustees, or any four of them, shall proceed to sell the said lots at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for one month in the Virginia gazette: The purchasers to hold the said lots respectively subject to the condition of building thereon a dwelling-house sixteen feet square at least, to be finished fit for habitation within three years from the day of sale. And the said trustees, or any four of them shall, and they are hereby empowered to convey the said lots to the purchasers in fee simple, subject to the condition aforesaid, and to pay the money arising from the sale thereof to the said William Bradley, his executors, administrators or assigns.

III. *Provided always, and be it further enacted*, That after the said lots and streets shall be laid out as aforesaid, such and so many of the lots whereon any house or houses already built by the said William Bradley may happen to be, shall not be sold by the said trustees, but shall be and remain to the said William Bradley, his heirs or assigns for ever.

IV. *And be it further enacted*, That the said trustees, or any four of them, shall have power, from time to time, to settle and determine all disputes concerning the bounds of the lots, and to settle and establish such rules and orders for the regular building of houses thereon, as to them shall seem best; and that in case of the death, removal out of the country, or other legal disability of any of the trustees before named, it shall be lawful for the surviving or remaining trustees to elect and choose so many other persons in the room of those dead or disabled as shall make up the number seven, which trustees so chosen, shall, to all intents and purposes, be vested with the same powers and authority as any other in this act particularly nominated and appointed.

V. *And be it further enacted*, That the purchasers of the lots in the said town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds of conveyance, shall then be entitled to and have and enjoy all the rights, privileges and immunities which the freeholders and

inhabitants of other towns in this state, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said trustees, or any four of them, may thereupon enter into such lot and sell the same again, and apply the money for the benefit of the inhabitants of the said town.

CHAP. XX.

[Ch. LX.
in original]

[Chan. Rev.
p. 159.]

An act to repeal so much of an act of the last session of assembly as discontinued Lynch's ferry.

So much of
act of last
session as
discontinues
Lynch's ferry
repealed.

I. WHEREAS it hath been represented, that the discontinuing of the ferry from the lands of John Lynch, in Bedford county, across the Fluvanna to the opposite shore in the county of Amherst, has proved inconvenient to the public: *Be it therefore enacted by the General Assembly,* That so much of the act of assembly passed at the last session, intituled, "An act for establishing a new ferry," as discontinues the said ferry, shall be, and the same is hereby repealed.

CHAP. XXI.

[Ch. LXI;
in original.]*An act to authorize the manumission
of slaves.* [Chan. Rev.
p. 159.]

I. WHEREAS application hath been made to this present general assembly, that those persons who are disposed to emancipate their slaves may be empowered so to do, and the same hath been judged expedient under certain restrictions: *Be it therefore enacted*, That it shall hereafter be lawful for any person, by his or her last will and testament, or by any other instrument in writing, under his or her hand and seal, attested and proved in the county court by two witnesses, or acknowledged by the party in the court of the county where he or she resides, to emancipate and set free, his or her slaves, or any of them, who shall thereupon be entirely and fully discharged from the performance of any contract entered into during servitude, and enjoy as full freedom as if they had been particularly named and freed by this act.

Preamble.

How slaves
may be e-
manipated.

II. *Provided always, and be it further enacted*, That all slaves so set free, not being in the judgment of the court, of sound mind and body, or being above the age of forty-five years, or being males under the age of twenty-one, or females under the age of eighteen years, shall respectively be supported and maintained by the person so liberating them, or by his or her estate; and upon neglect or refusal so to do, the court of the county where such neglect or refusal may be, is hereby empowered and required, upon application to them made, to order the sheriff to distrain and sell so much of the person's estate as shall be sufficient for that purpose. *Provided also*, That every person by written instrument in his life time, or if by last will and testament, the executors of every person freeing any slave, shall cause to be delivered to him or her, a copy of the instrument of emancipation, attested by the clerk of the court of the county, who shall be paid therefor, by the person emancipating, five shillings, to be collected in the manner of other clerk's fees. Every person neglecting or refusing to deliver to any slave by him or her set free, such copy, shall forfeit and pay

Aged or im-
firm to be
supported
by former
master;Or expence
levied on
by order of
court.Copy of in-
strument of
emancipa-
tion to be
delivered to
the slave.Penalty for
neglect on
the master;

and on the
slave travel-
ling out of
his county.

Liberated
slave neglec-
ting to pay
levies and
taxes to be
hired out to
raise them.

Saving the
titles of all
but the per-
son emanci-
pating.

ten pounds, to be recovered with costs in any court of record, one half thereof to the person suing for the same, and the other to the person to whom such copy ought to have been delivered. It shall be lawful for any justice of the peace to commit to the gaol of his county, any emancipated slave travelling out of the county of his or her residence without a copy of the instrument of his or her emancipation, there to remain till such copy is produced and the gaoler's fees paid.

III. *And be it further enacted*, That in case any slave so liberated shall neglect in any year to pay all taxes and levies imposed or to be imposed by law, the court of the county shall order the sheriff to hire out him or her for so long time as will raise the said taxes and levies. *Provided* sufficient distress cannot be made upon his or her estate. *Saving nevertheless* to all and every person and persons, bodies politic or corporate, and their heirs and successors, other than the person or persons claiming under those so emancipating their slaves, all such right and title as they or any of them could or might claim if this act had never been made.

[Ch. LXII
in original.]

CHAP. XXII.

Continued
by May 1783
ch. 4.

*An act to ascertain the number of
people within this commonwealth.*

Preamble.

I. WHEREAS congress have recommended it to the several states to ascertain the number of people therein;

Census of
people of
common
wealth, how
taken.

II. *Be it therefore enacted*, That the court of each county within this commonwealth shall divide the same into convenient precincts, and on or before the first day of October next appoint one of the justices for each precinct to take a list of the number of people, both white and black, therein: Every justice so appointed shall give public notice at what place or places he intends to receive the lists, by advertising the same at the most public places within his precinct, and shall, on or before the twentieth of October next following,

deliver to the clerk of the county court a fair list of the number of white and black persons in each family within his precinct, stating the number of whites and blacks separately; from which lists so delivered in, the clerk shall make out a fair copy, and deliver the same to the governor in council, on or before the tenth day of December; and the said clerk shall be allowed for his services herein, such a sum of money as the court of the said county shall think reasonable, to be levied in their next county levy. Every master or owner of a family, or in his or her absence or non-residence at the plantation, his or her agent, attorney or overseer, neglecting or failing to deliver or cause to be delivered to the justice appointed for that precinct, a list of the number of the white and the number of black persons abiding in or belonging to his or her family, before the said twentieth day of October, shall forfeit and pay one thousand pounds of tobacco, to be recovered with costs by information in the court of the county where such neglect or failure may be, and applied towards lessening the county levy. Every justice or clerk of a court refusing or failing to perform the duties respectively required of him by this act, shall forfeit and pay five thousand pounds of tobacco, to be recovered and applied in like manner as is herein before directed in the case of other forfeitures.

[Chap. LXIII
in original.]

CHAP. XXIII.

[Chap. Rev.
p. 160.]

*An act for defending and protecting
the trade of Chesapeake bay.*

See Oct.
1782, c. 34.

Vessels to be
provided for
protection
of Ches-
apeake bay.

Money to be
raised and
paid to com-
missioners.

Tonnage &
import du-
ties appro-
priated.

I. FOR defending and protecting the trade and commerce of Chesapeake bay and its dependencies, in the most effectual manner possible under our present circumstances, *Be it enacted by the General Assembly, and it is hereby enacted by the authority of the same,* That the ship Cormorant and the boat Liberty be immediately and forthwith fitted out and prepared for that purpose: That two row-gallies and two barges or whale-boats, upon such construction and so equipped as may render them most proper for the purpose aforesaid, be forthwith built or purchased at the public expence. In order to defray the expence of purchasing, building or equipping the said vessels, the ship Loyalist, with her appurtenances, shall be sold in such manner and upon such conditions as may be judged best by the commissioners herein after mentioned, and the money arising from such sale shall, by the said commissioners, be applied in such manner as they shall think best towards procuring, equipping and manning the said vessels. There shall also be paid into the hands of the said commissioners the sum of one thousand pounds, by the commercial agent, out of the public monies in his hands; and the revenue arising from the duties imposed upon imports and tonnage by an act intituled, "An act for ascertaining certain taxes and duties and for establishing a permanent revenue," shall be, and the same are hereby set apart and appropriated for the purpose of defending and protecting the trade and commerce of Chesapeake bay and its dependencies; and the treasurer shall, from time to time, pay to the said commissioners or their order, the auditors having duly authorized the same, the money he may receive for such duties, and to no other purpose whatsoever; and the naval officers, instead of accounting for and paying to the treasurer the duties received by them under the said recited act once in six months, shall, and they are hereby directed to account for and pay the monies received by them for the duties aforesaid once every three months, or oftener if it may be con-

venient. There shall be appointed by the general assembly three commissioners to superintend and provide for the defence and protection of our bay trade, who shall be, and they are hereby vested with full powers to employ all and every sum or sums of money hereby set apart for that purpose, towards the defence and protection of our trade and commerce in the Chesapeake bay. They shall be under the direction of the executive of this commonwealth from time to time, and under the inspection of the said executive, shall, from time to time, correspond with the executive of the state of Maryland, or other persons by the said state to be appointed, and concert, together with the state of Maryland, such measures for the co-operation of the marine force of each state as may be most likely to render effectual protection to the trade and the citizens of each state on the shores of Chesapeake bay and its depennencies; and also consult about such other future operations as may be most likely to effect this desirable end, the plan of which future operations shall, through the hands of his excellency the governor, by the said commissioners be laid before the next succeeding assembly for their approbation. The said commissioners shall have full power on the part of this commonwealth, to settle and adjust all disputes that may arise between the officers of the two states relative to command or otherwise, and to direct and controul the procuring, building and equipping the said vessels in such manner as they shall judge most advantageous to the said service: *Provided*, That they shall in no instance order the said vessels upon any duty without the capes of Virginia. And in order to man effectually the said vessels when equipped, the said commissioners may, and they are hereby authorized and directed to take such methods as they may have in their power and which the means hereby furnished them may enable them, towards accomplishing the same. They shall allow such pay, subsistence and other necessaries to the seamen enlisted on board such ships, as may be consistent with the distressed state of our finances at present, and as is consistent with the general service hereby required. Such officers shall be appointed to command the said vessels as are at present in the navy service of this state, according to their rank or such other circumstances as the said commissioners shall

Commissioners how to be appointed.

To be under the direction of the executive.

And concert with Maryland, measures for defending the bay trade.

Power to adjust disputes between the officers of the two states.

Vessels not to be sent out of the capes.

Prizes to be divided among the captors.

Vacancies in the commission how to be filled.

judge entitles them to such command. And as an encouragement to seamen or marines on board such vessels, any prizes or booty taken by them from the enemy shall be divided among the captors in such proportion as regulated in like cases by congress. In case of the death, resignation or refusal to act of any one or more of the said commissioners, his excellency the governor, with the advice of the privy council, may, and he is hereby authorized to appoint such other person or persons to fill such vacancy as he, with the advice aforesaid, may think proper to execute the duties required by this act, until the meeting of the succeeding general assembly.

[Ch. LXIV,
in original.]

CHAP. XXIV.

An act to empower the mayor, recorder, aldermen and common council of the town of Alexandria to lay a wharfage tax, and to extend water and Union-streets.

Corporation of Alexandria authorized to impose a wharfage tax.

I. *BE it enacted by the General Assembly, That* the mayor, recorder, aldermen and common council of the town of Alexandria shall, and they are hereby empowered to impose a tax upon all vessels making use of the wharf belonging to the said town, (open vessels excepted) and to enforce the collection and payment thereof by such rules and regulations as they may think best, and to apply the money arising from the said tax to the use and benefit of the said town.

Water street and Union street to be extended.

II. *And be it further enacted, That* it shall and may be lawful for the mayor, recorder, aldermen and common council of the said town, and they are hereby required to open and extend water-street through the said town from north to south as far as the limits of the said town extend, and also to lay off Union-street from north to south as far as the limits of the said town ex-

tend. *Provided always*, That the proprietors of the ground through which Union-street may be extended shall have the liberty of making use of any earth which it may be necessary to remove in regulating the said street.

CHAP. XXV.

[Chap. LXV
in original.]

*An act for incorporating the town of
Richmond, and for other purposes.*

I. *BE it enacted by the General Assembly*, That the town of Richmond, bounded according to the direction of the act intituled "An act for establishing towns at Rocky Ridge, Gloucester court-house, and Layton's warehouse, and for other purposes therein mentioned," shall be stiled the city of Richmond; and on the first Tuesday in July in the present, and on the same day of every third year afterwards, the freeholders of lots within the said city, whether improved or not, and whether such freeholder resides therein or not, and the house-keepers and inhabitants of the said city, who shall have resided therein at any time for the space of three months without the intermission of one twelve months, and possess in their own right within the same, moveable or immoveable property to the value of one hundred pounds, shall meet at the house now used as the court-house of the county of Henrico, or at such other place as shall by a bye-law be hereafter appointed, and shall then and there elect by ballot, twelve fit and able men, being freeholders and inhabitants of the said city, who, or a major part thereof shall, on the same or second day thereafter, between the hours of eight and twelve in the forenoon, publicly elect by ballot from among themselves, one person to act as mayor, another as recorder, and four others as aldermen of the said city, and the other six of whom shall be common council. The services of the persons at any time elected mayor, recorder, aldermen, or of the common

Town of
Richmond
incorpora-
ted and to
be stiled
City of Rich-
mond.

Qualifica-
tions of elec-
tors to ballot
for officers.

Mayor, re-
corder, al-
dermen, and
common
council

Term of ser-
vice.

council, shall not be continued longer than until other persons shall have been elected to those offices respectively, or than the expiration of the second day immediately following the said first Tuesday in July in every third year, as the case may be, but they may nevertheless be re-elected except that no person shall be capable of acting as mayor more than one year in any term of two years; vacancies occasioned by death, disability or resignation at any time before the triannual election, shall be supplied by the choice of the mayor, recorder, aldermen and common council, in common hall assembled, that is to say, a vacancy in the office of mayor or recorder shall be supplied out of the aldermen; a vacancy in the office of alderman out of the common council; and a vacancy in the common council out of the freeholders and inhabitants of the said city. The mayor, recorder and aldermen to be elected for this present year, shall not enter upon the execution of their office before they shall respectively take an oath or affirmation before some justice of the peace for the county of Henrico, for the faithful discharge of the duties thereof; and the mayor, recorder and aldermen to be elected afterwards shall take such oath or affirmation before they respectively enter upon the duties of their office, in presence of the court of hustings, or of some meeting of the common council hereafter mentioned.

Vacancies,
how suppli-
ed.

Oath of office

Style of cor-
poration.

Corporate
powers.

II. And be it enacted, That the said freeholders, house-keepers, and inhabitants, and those persons who shall hereafter become freeholders, house-keepers or inhabitants as aforesaid, shall be a body politic and corporate, by the name of the mayor, aldermen and commonalty of the city of Richmond, and by that name have perpetual succession and a common seal: They and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, enjoy, possess and retain to them and their successors forever, any lands, rents, tenements, hereditaments of what kind, nature or quality soever; and also to sell, grant, demise, alien or dispose of the same; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts and places, and from time to time, under their common seal, to make and establish such bye-laws, rules and ordinances, not contrary to the constitution or laws of the com-

monwealth, as shall by them be thought necessary for the good ordering and government of such persons as shall from time to time reside within the limits of the said city and corporation, or shall be concerned in interest therein.

III. *And be it enacted*, That they and their successors, by the name aforesaid, shall especially have power to rent, erect or repair work-houses, houses of correction; a court-house, prison, market-house, and hospitals for the reception of persons infected with contagious disorders, and other public buildings for the benefit of the said city, to pay the charge of removing such infected persons to the hospital, to provide doctors, nurses and other necessary attendants, as well as guards to prevent the spreading of such disorders; to purchase fire-engines, to hire proper fire-men to keep such engines at all times in good order and to be ready for service; to cause wells to be sunk and pumps provided; to appoint and pay watchmen, and to repair and keep in order the streets and lands in the said city, and to impose taxes on the white and black male tithables, and on the property real and personal within the said city, for the execution of all or any of the powers hereby given them, taking care however, that not more than one third of the sum to be levied shall be levied on the tithables aforesaid, to make provision and regulations for collecting and accounting for the taxes raised, by appointing a collector, or directing distress to be made for delinquencies, or by any other ways or means; to erect wharves, and to lay a reasonable duty on the vessels coming to and using the same, for the purpose of defraying the expence of erecting and keeping in repair the wharves so erected; to hold two fairs in each year, to wit, one on the first Thursday in May, and the other on the first Thursday in October; to fix fines upon every billiard-table and tippling-house, booth or tent, within the jurisdiction of the corporation, and to demand reasonable fees for every ordinary-license within the same, over and above those established for raising a revenue; and to expel disorderly persons who shall not have been resident therein for twelve months.

Power to erect public buildings.

Market house.

To regulate internal police.

To impose taxes.

To erect wharves, & impose duties on vessels.

To establish fairs.

To fix fines on billiard tables, &c. and demand fees on ordinary licences.

Common hall, how constituted and convened.

IV. *And be it further enacted*, That all acts herein directed to be done by the mayor, recorder, aldermen and common council, shall be done by them when as-
ned

sembled in common hall. They shall be said to be assembled in common hall when seven members, of which the mayor, recorder or eldest alderman shall be always one. They shall meet upon the summons of such mayor, or in his absence, sickness or disability, of the recorder; or in the absence, sickness or disability of both mayor and recorder, then of the eldest alderman.

Court of hustings.

V. And be it enacted, That the mayor, recorder and aldermen, or any four or more of them, shall have power to hold a court of hustings on the third Monday in every month: The jurisdiction of such court shall relate to those cases which originate within the limits of

Civil jurisdiction.

the said city, and shall be the same as the jurisdiction of the county court as established by the act of the general assembly, intituled, "An act for establishing county courts and regulating the proceedings therein," except in the following instances: the said court shall

Criminal jurisdiction.

not hear and determine any penal case, unless it be for a breach of laws of the corporation, the penalty whereof does not exceed forty shillings, or two hundred pounds of crop tobacco, nor of any action beyond the value of one hundred pounds, or ten thousand pounds weight of crop tobacco, unless it be in ejectment; the said court shall have the farther power of examining criminals for all offences committed within the limits

Exclusive power of licensing taverns, and fixing their rates.

of the said corporation, either at their monthly sessions or in the vacation, according to the act of the general assembly intituled, "An act directing the method of trial of criminals for capital offences, and for other purposes therein mentioned;" the said clerk shall have the sole power of licensing tavern-keepers and settling their

Clerk of market, serjeant, constables

rates, appointing a clerk of the market, establishing an assize of bread, wine, wood, coal and other things, and also appointing a serjeant, who shall have the power

Assize of bread &c.

of a sheriff, constables, and other necessary officers of the court, and surveyors of the streets, and any other officers not specially directed in this act to be appointed by any other power; the same fees shall be allowed to the officers of the court as are allowed by law to the clerk and sheriff of the county of Henrico; and shall be

Oath of office

collected and accounted for in the same manner. No officer of the court shall enter upon his office until he shall have taken an oath or affirmation before the court,

for the faithful discharge thereof; the serjeant shall moreover give bond with security, payable to the mayor, recorder, aldermen and common council, and their successors, in a reasonable penalty, for the due execution of his office.

VI. *And be it further enacted*, That the mayor, recorder and aldermen shall each be vested with the powers of justice of the peace within the said city, and shall have jurisdiction for the space of one mile on the north side of James river, without and round the said city and every part thereof, including so much of the said river to low-water mark on the shore of the county of Chesterfield as shall lie between two lines drawn due south from the eastern and western terminations of the one mile aforesaid, for matters arising within the same, according to the laws of the commonwealth.

Judicial powers of mayor recorder & aldermen.

Territorial limits of jurisdiction.

VII. *And be it enacted*, That the mayor, recorder, any alderman or common council-man may be removed from his office for good cause, and after due summons, by the opinion of seven members of the common hall; and that no bye-law, ordinance or regulation shall be binding, unless the same shall have been passed and entered into by the voice of seven members of the common hall.

Officers how removed.

VIII. *And be it further enacted*, That all the property, real and personal, now vested in trustees of the town of Richmond, for the use and benefit of the inhabitants thereof, is hereby transferred to and vested in the corporation for the benefit of the said city. And in all courts of law and equity, this act shall be construed, taken and held most favorably for the said corporation, so far as it respects or relates to the same.

Property vested in trustees of town of Richmond, transferred to corporation.

IX. *And be it further enacted*, That the jurisdiction of the court of hustings in the town of Fredericksburg shall extend one mile without and around the former limits of the said town, on the south side of Rappahannock river, and shall have power to hold pleas in all cases originating within the limits before described, in like manner and under such limitations as are directed and prescribed by the act for incorporating the said town: That the court of hustings in the said town of Fredericksburg shall be, and is hereby constituted a court of record, and as such to receive probate of wills and deeds, and grant administrations in as full

Territorial limits of jurisdiction of town of Fredericksburg enlarged.

Court of hustings of Fredericksburg declared a court of record.

and ample manner as the county courts by law can or may do.

Proviso as to proof of wills and deeds, in Fredericksburg:

Its court of hustings may appoint attorney for commonwealth.

Ordinary keeper in Richmond, incapable of serving as mayor, recorder, aldermen, or common council-man.

Court of hustings of Alexandria to have exclusive power of licensing taverns.

Duty of clerk.

X. *Provided always, and be it further enacted*, That no will shall be admitted to proof or record in the said court, nor shall the said court grant administration, unless the testator or intestate, as the case may be, was resident within the limits of the jurisdiction of the said court at the time of his or her death; nor shall any deed whereby lands are conveyed be admitted to proof or record in the said court, unless such lands lie within the limits as aforesaid. The said court shall have power to appoint a person skilled in the law to prosecute therein for the commonwealth, and to allow him a reasonable salary for his services, to be levied annually by the corporation on the inhabitants within the limits of the said town, and that the said inhabitants shall hereafter be exempted from contributing towards paying any part of the salary of the attorney for the commonwealth in the court of the said county of Spotsylvania.

XI. *And be it further enacted*, That no ordinary keeper in the city of Richmond shall be capable of serving as mayor, recorder, alderman or common council-man for the said city.

XII. *And be it further enacted*, That the court of hustings for the town of Alexandria shall have the sole and exclusive power of granting licenses to keep ordinaries within the said town, regulating the same and restraining tippling-houses, in the same manner and under the like rules and regulations as are prescribed for the justices of any county court within this commonwealth, by an act intituled, "An act for regulating ordinaries and restraint of tippling-houses." And that the court of the said county of Fairfax shall not exercise any jurisdiction in that case, as hath been formerly done. *Provided always*, That nothing in this act shall be construed to deprive the court of the said county of Fairfax of their jurisdiction where any indictment is or may hereafter be found, any information filed, or action of debt brought against any person for retailing liquors without license. That the clerk of the court of hustings in the said town of Alexandria shall, on the third Monday in May and November annually, set up in the court-house of the said coun-

ty of Fairfax, a list of all licensed ordinary keepers within the said town, for the information of the grand jury.

XIII. *And be it further enacted*, That all ordinary keepers within the said town of Alexandria shall be incapable of being elected or acting as judges of the court of hustings in the said town.

Ordinary keepers in Alexandria, incapable of acting as judges of court of hustings.

CHAP. XXVI.

[Ch. LXVI in original.]

An act concerning wrecks.

[Chan. Rev. p. 161.]

I. WHEREAS many vessels have been and may hereafter be stranded on the sea coast, bay or river

Preamble.

shores within this commonwealth, and the goods or other property belonging to such vessels may be embezzled and stolen, to the great injury of the owners:

For remedy whereof, *Be it enacted by the General Assembly*, That it shall be lawful for the governor, with

Commissioners of wrecks to be appointed on the sea and bay shores.

advice of council, and he is hereby required to appoint and commission two discreet persons in each of the counties bordering on the sea or bay shores in this state, whose business and duty it shall be, on the earliest intelligence, or on application to them made by

Their duty on intelligence of a vessel stranded or in danger.

or on behalf of any owner or commander of a ship or other vessel being in danger of being stranded, or being stranded, to command any constable or constables, to be appointed by them for that purpose, nearest the coast where such ship or vessel shall be in danger, to

summon as many men as shall be thought necessary to the assistance of such ship or vessel; and if there shall be any ship or vessel belonging to the state riding near the place, the commissioner or commissioners shall have power to demand of the commanding officer of such ship or vessel, assistance by their boats and such hands as they can conveniently spare; and if any commanding officer shall neglect to give such assistance, he shall forfeit one hundred pounds, to be recovered by the officer or owner of the ship in distress, with costs, in any court of record within this common-

Those who assist in saving a vessel or cargo, to have a reward; and may retain vessel or goods till reward paid or secured.

Reward how to be ascertained.

Proceeding if the goods saved be not claimed.

Penalty on those who intermeddle without power from commissioners.

Or hinder those employed in saving the goods.

Or deface the marks.

wealth. The commissioner or commissioners, and the commanding officer of any ship or vessels, and all others who shall assist in preserving any ship or other vessel in distress, or their cargoes, shall, within forty days, be paid a reasonable reward by the commander or owner of the ship or other vessel in distress, or by the merchant whose vessel or goods shall be saved, and in default thereof the vessel or goods shall remain in the custody of the commissioner or commissioners until all charges be paid, or security given for that purpose, to the satisfaction of the parties. And in case the parties shall disagree touching the monies deserved by the persons employed, it shall be lawful for the commander of such vessel saved, or the owner of the goods or merchant interested, to choose one indifferent person, and also for the commissioner or commissioners to nominate one other indifferent person, who shall adjust the quantum of the gratuities to be paid to the several persons, and such adjustment shall be binding on all parties, and to be recoverable with costs in any court of record within this commonwealth, by action on the case. If no person shall claim the goods saved, the commissioners or one of them shall take possession thereof, and cause a true description of the marks, numbers and kinds of such goods to be advertised four weeks in the Virginia gazette, and if no person shall claim the same within three months, public sale shall be made thereof, (but if perishable the goods shall be forthwith sold) and after charges deducted, the residue of the money, with an account of the whole, shall be transmitted to the treasurer, who shall keep an account of the same for the benefit of the owners, who upon proof of his property to the satisfaction of the auditors, shall upon their warrant receive the same. If any person besides those empowered by the commissioners or one of them, shall enter or endeavour to enter on board any vessel in distress, without the leave of the commanding officer, or in case any person shall molest them in saving the vessel or goods, or shall endeavour to hinder the saving such vessel or goods, or shall deface the marks of any such goods before they be taken down in a book by the commissioners or one of them, every such person shall forfeit and pay the sum of ten pounds, to be recovered with costs by information in any court of record within this commonwealth, and

applied to the use of the owners of the vessel or goods as the case may be; and in case of failure to pay such forfeiture immediately, or giving security to pay the same within one month, he, she, or they shall receive ten lashes on his, her, or their bare back, by order of such court. It shall be lawful for any commanding officer of a vessel in distress, or the commissioners, to repel by force any persons as shall, without consent as aforesaid, press on board any vessel in distress, and thereby molest them in preserving the vessel or goods; and in case any goods shall be found upon any person that were stolen or carried off from any vessel in distress, the person on whom such goods be found shall, upon demand, deliver the same to the owner or commissioners, or to such other person as shall be authorized by the commissioners or owner to receive such goods, or shall be liable to pay treble the value, to be recovered with costs in any court of record. If any person shall make, or be assisting in making a hole in any vessel in distress, or stealing any pump, materials or goods, or shall be aiding in stealing such pump, materials or goods from any vessel, or shall wilfully do any thing tending to the immediate loss of such vessel, such person shall be guilty of felony, and suffer death without benefit of clergy. Any commissioner by fraud or wilful neglect, abusing the trust reposed in him, shall upon conviction thereof, forfeit and pay treble damages to the party aggrieved, to be recovered with costs by action on the case in any court of record, and shall thenceforth be incapable of acting as a commissioner. Any constable, or person summoned by him, refusing or neglecting to give the assistance required for the saving of any vessel or her cargo, shall forfeit and pay twenty-five shillings, to be recovered before any justice by the commissioners ordering the duty, and shall be moreover subject to the payment of the same damages, and to be recovered by the party aggrieved in the same manner, as in the case of a commissioner. The commissioners shall set up a copy of this act once in every year in each of the court-houses of the counties wherein they respectively reside.

Commissioners may repel force by force.
Goods carried from a vessel in distress and found in any person's possession to be restored.
Penalty.
Death to make a hole in a vessel in distress.
Or steal pump, materials or goods or do any thing tending to the loss of the vessel.
Penalty on commissioner abusing his trust; And on constables and assistants for neglect.
Act to be set up in each court house.

II. *Provided always, and be it further enacted, That the commissioners appointed by virtue of this act shall respectively give bond and security in the court of the county where he resides, in the sum of one thousand*

Commissioners to give bond and security.

If vessel totally lost, goods saved to pay no duty.

If vessel cast on shore, & the damage on the goods not more than ten per cent goods to be entered and pay duty.

pounds, for the due and faithful execution of his office, and that it shall not be lawful for such commissioner, or any of them, to enter upon the duties of his office before he gives bond and security as aforesaid.

III. *And be it further enacted*, That where any vessel shall be stranded and totally lost, goods saved from the wreck shall not be liable to entry and duties; but if any vessel be drove or cast on shore, and the damage sustained on the goods does not appear to exceed ten per centum in the judgment of the commissioners, such goods shall be duly entered with the naval officer nearest the place where the case happened, according to law.



[Ch. LXVII
in original]

CHAP. XXVII.

An act to vest the estate of Samuel Gist, in Mary the wife of William Anderson, and her heirs and assigns, and for other purposes.

Estate of Samuel Gist, a British subject, vested in Mary Anderson, his daughter, & only child.

I. WHEREAS application hath been made to this present general assembly, by William Anderson and Mary his wife, for an act to pass, vesting the estate in this commonwealth belonging to Samuel Gist, a British subject, in the said Mary his daughter and only child, who is a native of and resident in this state; and it being judged expedient so to do;

II. *Be it therefore enacted by the General Assembly*, That all the estate both real and personal in this commonwealth belonging to the said Samuel Gist, shall be, and the same is hereby vested in the said Mary Anderson, her heirs and assigns for ever.

Retribution to be made to Parke Goodall, presumptive heir to Richard Goodall, a British sub.

III. *And be it enacted*, That retribution shall be made to Parke Goodall, gentleman, a citizen of this state and presumptive heir to Richard Goodall, a British subject, in manner directed by the act of assembly concerning escheats and forfeitures from British subjects, for the amount of the sales of a tract of land ly-

ing in the county of Caroline, which was escheated and sold as the property of the said Richard Goodall.

IV. And whereas a tract of land lying in the said county of Caroline, containing by estimation two hundred acres belonging to the said Richard Goodall, is liable to escheat, and it is more just that the same should be vested in the said Parke Goodall than converted to the use of the commonwealth;

V. *Be it therefore enacted*, That the said tract of land lying in the said county of Caroline, containing two hundred acres, be the same more or less, belonging to the said Richard Goodall, shall be, and the same is hereby vested in the said Parke Goodall, his heirs and assigns for ever. Saving to all persons other than those claiming under the said Samuel Gist and Richard Goodall, all just right, title, and interest which they could or might claim to the said estates or any part thereof, had this act never been made.

ject, for a-
mount of
sales of a
tract of land
in Caroline.

Lands in Ca-
roline, liable
to escheat
as the prop-
erty of
Richard
Goodall,
vested in
Parke Good-
all.

CHAP. XXVIII.

[Ch. LXVIII
in original?]

An act to revest certain lands in Charles Carter and his heirs.

I. WHEREAS it is represented to this present general assembly, that in virtue of an act passed in the year one thousand seven hundred and sixty-six, intituled, "An act to empower trustees to sell and convey certain lands, whereof Charles Carter the elder is seized as tenant in fee tail, and for other purposes," the trustees named in the said act have fulfilled the purposes thereof without selling all the lands they were empowered to do: It is therefore just and proper that the lands so remaining unsold should be revested in the said Charles Carter;

Charles Car-
ter revested
of certain
entailed
lands, re-
maining un-
sold, under
a former law.

II. *Be it therefore enacted*, That the said lands so remaining unsold by the trustees in the said recited act mentioned, shall be, and the same are hereby revested in the said Charles Carter, his heirs and assigns for ever.

[Ch. LXIX
in original.]

CHAP. XXIX.

An act to enable the court of Botetourt to levy certain arrears due the incumbent of the parish.

Court of Botetourt county authorized to levy a sufficient sum to pay the arrears due the rev. Adam Smyth incumbent of Botetourt parish.

I. WHEREAS it is represented to this general assembly, that the parish of Botetourt is considerably in arrear to the reverend Adam Smyth, incumbent thereof: And whereas the commissioners of the tax for Botetourt county (there being no vestry in the parish) were by an act of the assembly of the state authorized to liquidate, levy and pay all claims against the parish, but the said commissioners, though they liquidated the claim of the incumbent, failed to make provision for paying the same:

II. *Be it therefore enacted*, That the four first acting magistrates for the county of Botetourt, or any three of them, shall, on any day at their discretion, within twelve months after the passing of this act, assess on the tithable persons of the said parish, a sum sufficient to pay off all arrears that appear due to the said incumbent by the liquidation of the commissioners aforesaid, with lawful interest on the same till paid, as also six per centum to the sheriff of the county for collecting, who is hereby authorized and required to collect and pay the same to the said Smyth, his heirs or assigns, in six months after the receipt of the assessment, or on failure be liable to judgment on motion in the court of the said county, or the general court, having ten days previous notice of such motion.

CHAP. XXX.

[Ch. LXX
in original.]*An act to appoint trustees for the towns
of Woodstock, Cobham, Manches-
ter, and Blandford.*

I. WHEREAS the trustees of the town of Woodstock, in the county of Shanandoah, (formerly Frederick) either by death or removal are become extinct; and the trustees of the town of Cobham, in the county of Surry, are so reduced in number as to be incapacitated to act as the law directs; and some of the trustees of the towns of Manchester, and of Blandford in the county of Prince George, being dead, some resigned, and others at a great distance from the said towns; And whereas those in the town and its vicinity are not sufficient to transact the business of their appointments for want of a sufficient number to proceed to business, by which the improvements and regulations of the said towns are much obstructed: For remedy whereof,

Trustees appointed for the towns of Woodstock, Cobham, Manchester, & Blandford.

II. *Be it enacted*, That Abraham Bird, Jacob Holdman, Abraham Kellar, John Tipton, Philip Hoffman, Jacob Rinkar, George Kellar, Thomas Allen, Henry Fravell, Alexander Hite, John Snapp, and Benjamin Strickler, gentlemen, be, and are hereby appointed trustees to the town of Woodstock aforesaid; and William Brown, Nicholas Faulcon, junior, Jacob Faulcon, William Edwards, John Hartwell Cocke, William Brown, junior, John Watkins, Arthur Sinclair, Richard Cocke, James Kee, and John Hutchings, gentlemen, are hereby in like manner appointed trustees for the said town of Cobham; and Francis Goode, Jacob Rubsamen, Bernard Markham, and John Murchie, gentlemen, be, and are hereby appointed trustees for the said town of Manchester; and that Nathaniel Harrison, Peter Poythress, Robert Gilliam, Thomas Gordon, William Murray, Isaac Hall, John Baird, and Edmund Ruffin, gentlemen, are hereby in like manner appointed trustees for the said town of Blandford: Which said trustees for the said towns respectively to which they are so appointed shall have all the powers and be invested with the same authority, and also in

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all things they shall be amenable as the original trustees were, or as if the abovesaid trustees had been originally nominated and appointed in the respective laws for establishing the said towns.



[Ch. LXXI.
in original]

CHAP. XXXI.

[Chan. Rev.
p. 162.]

*An act to amend the act for erecting
a Light House on Cape Henry.*

New directors,
for light
house, at
Cape Henry
appointed.

I. WHEREAS an act of assembly passed in the year one thousand seven hundred and seventy-two, for erecting a light-house on cape Henry and appointing directors for building and finishing the said light-house as soon as the assembly of Maryland should pass an act for the same purposes: And whereas several of the said directors are since dead, and the surviving ones cannot conveniently meet to make a settlement of the accounts and adjust the balances due to the several creditors; *Be it therefore enacted*, That John Hutchings, Paul Loyall, Thomas Newton, junior, George Kelly, William White, and Lemuel Corneck, gentlemen, or any three of them, be, and they are hereby appointed directors, and empowered to adjust the several claims and ascertain the balances, which they shall certify to his excellency the governor, and upon a warrant thereupon obtained from the auditors, the treasurer is hereby authorized to pay the said sum or sums out of the money which shall arise from duties and tonnage on shipping imposed by the above recited act.

Former duties appro-
priated.

Directors to
be trustees
of the com-
mon.

II. *Be it further enacted*, That the said directors be, and they are hereby appointed trustees for the land heretofore and now deemed and held as common.

CHAP. XXXII.

[Ch. LXXXII
in original.]*An act concerning Slaves.*[Chan. Rev.
p. 162.]

I. WHEREAS great inconveniencies hath arisen from persons permitting their slaves to go at large and hire themselves out, under a promise of paying their masters or owners a certain sum of money in lieu of their services: For remedy whereof, *Be it enacted*, That if any person shall, after the tenth day of August next, permit or suffer his or her slave to go at large and hire him or herself out, it shall be lawful for any person to apprehend and carry every such slave before a justice of the peace in the county where apprehended, and if it shall appear to the justice that such slave comes within the purview of this act, he shall order him or her to the gaol of the county, there to be safely kept until the next court, when, if it shall be made appear to the court that the slave so ordered to gaol hath been permitted or suffered to hire him or herself out, contrary to the meaning of this act, it shall be lawful for the court, and they are hereby required to order the sheriff of the county to sell and dispose of every such slave for ready money, at the next court held for the said county, notice being given by the sheriff at the court-house door at least twenty days before the said sale.

Preamble.

Slaves permitted to go at large and hire themselves out, may be sold by order of court.

II. *And be it further enacted*, That twenty five per centum upon the amount of the sale of every slave made under this act, shall be applied by the court ordering such sale, towards lessening the county levy, and the residue shall be paid by the sheriff, after deducting five per centum for his trouble and the gaoler's fees, to the owner of such slave.

Allowance to county & sheriff.

[Ch. LXXIII
in original.]

CHAP. XXXIII.

An act to repeal so much of an act of assembly as prohibits swine going at large in the town of Staunton.

So much of act as prohibits swine going at large in Staunton repealed.

I. *BE it enacted*, That so much of an act of assembly passed in May one thousand seven hundred and seventy-nine, intituled, "An act to displace the trustees of the town of Staunton and for other purposes therein mentioned," as prohibits any person or persons inhabitants of the said town, owners of swine, to suffer the same to go at large within the limits thereof, shall be, and the same is hereby repealed.

[Ch. LXXIV
in original.]

CHAP. XXXIV.

An act to repeal an act intituled An act to vest certain escheatable lands in trustees, and for other purposes.

Preamble

I. WHEREAS by an act of assembly, passed in October one thousand seven hundred and seventy-eight, intituled, "An act for vesting certain escheatable lands in trustees, and for other purposes," reciting that Bryan Obanion, being seized in fee of two hundred and fifty-seven acres of land, lying and being in the county of Berkeley, adjoining the lands of Tully McKenney and major general Charles Lee, did, in and by his last will and testament devise the same in taille to Aaron and Francis Johnston, or the survivor of them, being natural children of the said Bryan Obanion; that the said Francis died an infant, whereby the said Aaron became seized of the whole of the said lands, and died so seized intestate and without issue; and the said lands were declared by the said act to be precheated and vested in trustees, to be sold, and the

money arising from the sale to be divided among certain persons and in particular portions, as by the said act will appear: And whereas by the will of the said Bryan Obanion the elder, deceased, it appears that the said lands were limited over to Bryan Obanion, his grandson, upon the death of the said Aaron and Francis Johnston without issue; and the said Bryan Obanion hath made application to this assembly to repeal the said act, and thereby enable him to hold the said lands agreeable to the will of his said grandfather, and it is judged expedient so to do;

II. *Be it therefore enacted*, That the said recited act shall be, and the same is hereby repealed, and the said two hundred and fifty-seven acres of land vested in the said Bryan Obanion, and his heirs, in fee simple.

Certain es-
cheated
lands vested
in Bryan O-
banion, the
younger.

CHAP. XXXV.

[Ch. LXXV.
in original.]

An act to sell the late court-house, prison and lots of Bedford county.

I. WHEREAS it is represented to this present general assembly, that the late court-house and prison of Bedford county are, by the division of the said county, rendered useless;

The late
court house,
prison and
lots of Bed-
ford county
to be sold.

II. *Be it therefore enacted*, That Richard Stith, Robert Ewing, John Calloway, William Henderson, William Leftwich, and Robert Clarke, gentlemen, or any three of them, shall be, and they are hereby empowered to sell and dispose of the said buildings, together with the lots belonging thereto, to the highest bidder, on twelve months credit, after giving one month's notice of the time appointed for such sale, at the court-houses of the counties of Bedford and Campbell; and the said trustees shall, within one month after receiving the sum for which the court-house, prison and lots shall sell for; pay one moiety thereof to the justices of each of the said counties, to be by them applied to the lessening their county levies.

III. *And be it further enacted,* That if the said trustees shall neglect or refuse to account for and pay the money so received, within the time limited by this act, to each of the said courts, agreeable to the before-mentioned proportion, they shall be liable to the action of the party grieved for the money so received and all damages incurred by delay of payment, to be recovered in the general court. And the said trustees, or any three of them, shall be, and are hereby empowered to execute deeds of conveyance for the said houses and lots, to the purchasers thereof, in fee simple.

CHAP. XXXVI.

[Ch. LXXVI.
in original.]

[Chan. Rev.
p. 162.]

See May
1380, c. 21.

An act to amend an act for dissolving several vestries, and electing overseers of the poor.

Preamble.

I. WHEREAS by experience it is found, that the act for dissolving several vestries and electing overseers of the poor in the counties therein named, hath greatly removed the inconveniencies for making provision for the poor in the said act recited; and the counties of Shanandoah, Henry, Monongalia, Ohio, and Berkeley, being subject to the same inconveniencies experienced in the aforesaid counties before the said act was passed: For remedy whereof, *Be it enacted,* That where the above enumerated counties have any vestries or other bodies vested with powers to provide for the poor, the same shall, from and after the first day of October next, be dissolved.

Extended to
other parish-
es.

II. And for the providing for the poor, and other parochial duties as have heretofore been exercised by the vestries, church-wardens or other bodies of the respective counties or parishes; *Be it enacted,* That the sheriffs of the said counties of Shanandoah, Henry, Monongalia, Ohio, and Berkeley, shall take the same order in their respective counties to hold elections for

Overseers
how to be
elected.

overseers of the poor in all times coming, as the respective sheriffs in the above recited act are directed to do; and the overseers so elected, being first qualified as the said act directs, shall, in all things, have the same powers, be incorporated in the same manner and subject to the same rule and government as the overseers are in the above recited act: And the courts of the said counties of Shanandoah, Henry, Monongalia, Ohio, and Berkeley, in case of death, resignation, removal or refusal to act, of any overseer, shall supply such vacancy; and also shall direct their orders to the overseers so elected and qualified, in the same manner as the courts of the said counties in the above recited act are directed to do. And if any sheriff or sheriffs of the said counties of Shanandoah, Henry, Monongalia, Ohio, and Berkeley, shall fail or neglect his or their duty as directed in the aforesaid recited act, he or they shall be subject to forfeit and pay the same penalties, and in all things subject to the same forfeitures as the sheriffs in the said recited act are subjected to.

Their duty.

Penalty on sheriff.

III. *And be it further enacted*, That where any suit or suits are depending, in which the vestries or churchwardens are plaintiffs, by virtue of their office, no such suit shall be dismissed in pursuance of this act, but the overseers of the poor shall be taken and esteemed plaintiffs therein, and the suit or suits shall be perpetuated to a legal decision in the name of the said overseers. *Provided also*, That where any vestry or churchwardens hath suffered suit to be brought against them for breach of duty or neglect, the same shall be prosecuted against the said vestry or churchwardens, in the same manner as if this act had not been made.

Suits by and against vestries or churchwardens saved.

IV. *And be it further enacted*, That the vestries of the aforesaid counties of Shanandoah, Henry, Monongalia, Ohio, and Berkeley, shall, on or before the first day of January next, make up and settle their accounts with the overseers of the poor of their respective counties, of all monies or tobacco by them levied or disbursed in virtue of their office.

Vestries to account.

V. *And be it further enacted*, That all penalties fines and forfeitures recovered by virtue of this act, shall be appropriated in the same manner as is directed in the above recited act.

[Chapter
LXXVII in
original.]

CHAP. XXXVII.

[Chan. Rev.
p. 163.]

An act to increase the reward for killing wolves in certain counties.

Preamble.

Counties
named.

Additional
reward, to
be levied in
the county.

Continuance
of act.

I. WHEREAS it is represented to this general assembly, that the giving further rewards in certain counties for the destroying of wolves will be attended with very great advantage to the inhabitants thereof; *Be it enacted*, That from and after the passing of this act, and during the continuance thereof, any person who shall kill any wolf within the counties of Henry, Pittsylvania, Bedford, Campbell, Botetourt, Montgomery, Greenbrier, Amherst, Buckingham, Louisa, Shannandoah, Frederick, Berkeley, Prince William, Fairfax, Loudoun, Hampshire, Orange, Culpeper, Monongalia, Ohio, Rockbridge, Rockingham, Charlotte, Fauquier, Norfolk, Princess Anne, Augusta, Washington, and Albemarle, shall have an additional reward of one hundred pounds of nett tobacco for every young wolf not exceeding the age of six months, and for every wolf above that age, two hundred pounds of like tobacco, to be levied and paid in such counties wherein the services shall be performed; and the several county courts before named are hereby empowered and required to levy the same in their annual county levy to the persons entitled thereto. This act shall continue and be in force for and during the term of three years, and from thence to the end of the next session of assembly.

CHAP. XXXVIII.

[Chapter
LXXVIII
in original.]*An act to vest the estate of Robert Williams equally among Mace Freeland, Spice Pendleton, and Elizabeth Jones, and their heirs.*

I. WHEREAS it is represented to this present general assembly, that James Freeland had cohabitation with a certain Mary Williams, and by her had issue Robert Williams, after which he intermarried with the said Mary: That the said James Freeland, by his last will and testament, bearing date the fourteenth day of March, one thousand seven hundred and seventy, devised to his said wife, his whole estate real and personal, for her life or widowhood, and the remainder after her death to the said Robert Williams, his natural son, in fee; that the said Robert Williams hath lately become *felo de se*, leaving neither wife nor legal issue of his body, whereby the estate of the said Robert Williams in lands, slaves and personalities, whether in possession or remainder, is escheated and transferred to the commonwealth: And whereas application hath been made by Mace Freeland, brother of the said James Freeland, and uncle and heir on the part of the father to the said Robert Williams, to vest the whole estate so devised by the said James Freeland to the said Robert Williams, equally among the said Mace Freeland, Spice Pendleton his sister, and Elizabeth Jones, to the latter of whom the said Robert Williams was engaged to be married, and by her left issue, and it is judged expedient and just so to do:

Estate of
Robert Wil-
liams vested
in Mace
Freeland,
Spice Pen-
dleton, and
Elizabeth
Jones.

II. *Be it therefore enacted*, That the whole estate, real and personal, devised as aforesaid by the said James Freeland to the said Robert Williams, whether in possession or remainder, shall be, and the same is hereby vested equally among the said Mace Freeland, Spice Pendleton, and Elizabeth Jones, and their respective heirs and assigns.

[Chapter
LXXIX in
original.]

[Chan. Rev.
p. 163]
See Novem-
ber 1781, c.
40.

CHAP. XXXIX.

*An act to amend the act for ascer-
taining certain taxes and duties,
and for establishing a permanent
revenue.*

Preamble.

I. WHEREAS from the late cruel ravages of the enemy and destruction of private property, together with the great burthens already borne by the good people of this state, it is necessary to give them every possible alleviation in the payment of taxes required for the support of the war; *Be it therefore enacted,* That one half of the taxes imposed by an act intituled, "An act for ascertaining certain taxes and duties, and for establishing a permanent revenue," shall be collected, received or distrained for on the first day of July next ensuing, in the manuer directed by the said act; and the other half on the first day of November following.

Collection of
taxes divid-
ed.

Deer skins
to be taken.

II. *And be it further enacted,* That skins of deer, well dressed and fitted for the purpose of making breeches, be added to the specifics made commutable with specie in payment of the taxes, that on land excepted, by the said act. That the skins so to be paid, shall be received at the places appointed for the reception of other specifics, and at the price of eight shillings per pound for every deer skin; and that the towns of Manchester, Dumfries, Harrodsburg, and of Falmouth, be, and the same are hereby added to those appointed by the said act for the reception of specific articles.

New places
to receive
specifics.

Sheriff not
able to give
security; a
collector to
be appoint-
ed.

III. *And be it also enacted,* That where the sheriff cannot or will not give security for the due collection of the taxes imposed by the said act, as thereby required, in such case the court of the county where such failure may happen, shall appoint one or more collector or collectors in due time, who shall give the security and do the duty required of the sheriff by the said act.

Penalty on
proprietors
failing to ac-
count redu-
ced.

IV. *And be it further enacted,* That where the said act inflicts a forfeiture of one hundred pounds on any proprietor or proprietors of land, his, her or their ten-

ant, attorney or overseer; or in case of infants, his, her or their guardians refusing or neglecting to give an account of the quantity of lands or lots held by any of them, or under their respective management, the said forfeiture shall be of twenty pounds only, to be recovered as the said act directs.

V. *And be it further enacted*, That instead of a list of all tithable persons, the same shall be given in of all persons taxable by the said act; and that the tax imposed upon nett cattle, shall be paid on cattle of all ages. Explanation of tithables.

VI. *And be it further enacted*, That all duties and customs which now are, or hereafter shall become due to this commonwealth, upon ships, goods, wares and merchandizes, or any other articles whatsoever by virtue of any law of this commonwealth, shall be paid to the naval officer of the district where such duty or custom is directed to be paid; and the respective naval officers are hereby required to collect, account for, and pay into the public treasury, the amount of all such duties and customs, according to the several acts imposing the same, and under the pains and penalties therein contained. And where there shall be no naval officer, or where any goods are imported by land, due entry shall be made thereof with the clerk of the county court wherein they are brought, who shall receive the taxes or duties payable thereupon, or take bond from the importer for the payment thereof, at the treasury, within the time prescribed by law. Duties on ships and goods to be paid to naval officers.

If none, on importation by land, to county court clerks.

VII. *And be it further enacted*, That the sheriff or collector shall give a receipt to each person from whom he receives the taxes, specifying in what article such person paid his tax; and shall moreover return a list, on oath, of such payments to the clerk of his county court, immediately after his collection, copies of which list shall be fixed up in the said court-house for the inspection of the people; and the auditors are hereby required not to settle with any sheriff for the taxes collected under the said act, except the said sheriff do produce to them a copy of such list, certified by the clerk of his court. Sheriff to give receipts for taxes.
And return a distinct account.

VIII. *And be it further enacted*, That in future the pay and allowance to the commissioners for assessing lands, shall be the sum of seven shillings and six pence each per day, and no more. Allowance to commissioners.

How lands & goods distrained shall be sold.

IX. *And be it further enacted,* That so much of the said act as declares, that where any distress shall be made pursuant to the said act, and the lands, goods or chattels will not sell for three fourths of their value, in the opinion of the officer making such distress, the same shall be sold for three months credit, in the same manner as goods taken by *fieri facias*, shall be repealed: And in all such cases as aforesaid, the officer making such distress, shall sell the lands, goods or chattels so distrained, for one month's credit, and shall take sufficient security residing in the county, for the payment thereof; and in case the same shall not be paid within the said one month, such officer is hereby authorized and required to make immediate distress on the lands, goods or chattels of such purchaser or purchasers, his, her or their security or securities, and proceed to sell the same for the best price that can be got in ready money.

Bonded duties recoverable on motion.

X. And whereas the mode prescribed by the said recited act for recovering the duties bonded with the collectors will admit of great delay in the collection; for remedy whereof, *Be it enacted,* That it shall and may be lawful to and for the said collectors to recover the said duties so bonded, by motion made in the general court, or the county court wherein the principal or either of his securities respectively reside, and such court shall give judgment for the sum due on such bonds, with costs, and interest of five per centum on the same until paid. *Provided always,* Ten days previous notice in writing shall be given by such collector to the person or persons so to be moved against.

Power to officers in Williamsburg.

XI. *And be it further enacted,* That the court of hustings of the city of Williamsburg, and the serjeant for the said city, shall have the same power to proceed in the execution of the said recited act as the county courts and the respective sheriffs.

Morris's notes to be received.

XII. And whereas Robert Morris, esquire, superintendant of the finances of these United States, hath by his letter bearing date the twenty-ninth day of April last, given assurance to this state, that his notes of the following tenor, to wit: "At sight pay to the bearer dollars, for which this shall be your sufficient warrant;" signed Robert Morris, and directed to John Swanwick, Philadelphia, shall be received at the treasury of the United States in discharge of any debt due

from this state, and hath therefore requested that the same may be taken in payment of taxes: And whereas the receiving such notes in the present circumstances of the country will tend greatly to the relief of the people in the payment of their taxes; *Be it therefore enacted*, That the sheriffs and collectors shall receive all bills of, the above tenor that may be offered them in discharge of taxes due, or which may become due in the year one thousand seven hundred and eighty-two, by virtue of an act intitled, "An act for ascertaining certain taxes and duties, and for establishing a permanent revenue," which bills or notes the sheriffs or collectors shall account for and bona fide pay into the treasury. And in case any sheriff or collector shall fail to account with and pay to the treasurer for the time being, all the notes or bills of the above description he may receive for taxes, he shall forfeit and pay double the amount of the said notes he shall have so collected, to be sued for and recovered in the manner directed by the above cited act, for the recovery of other penalties therein mentioned.

XIII. And whereas the practice of granting certificates for militia service, and of issuing treasury receipts thereupon anticipating the revenue hath obtained to the great prejudice of the public and the derangement of the finances, and it is necessary and essential to the public interest that every anticipation of the public revenue should be most explicitly forbidden and prevented; *Be it therefore enacted*, That no certificates, receipts or warrants for militia or military service, except receipts given under the act for supplying the southern army with waggons and horses, and except also certificates granted for money advanced agreeable to a requisition of the governor and council of the twenty-eighth of February, one thousand seven hundred and eighty-two, for recruiting soldiers, shall be received in discharge of the taxes imposed by the act "For ascertaining certain taxes and duties, and for establishing a permanent revenue;" and that the several sheriffs or collectors of taxes or duties in this commonwealth, shall not be allowed to discount any such certificates, receipts or warrants issued by virtue of any former law, and by them received or to be received for their respective collections; but judgment shall be given in manner directed by the said recited act against the

Militia or military certificates when to be received for taxes.

said sheriffs or collectors respectively for the full amount of their several collections, or of the deficiency due thereon, in case of failure to account for the same in due time, without regard to any such certificates, receipts or warrants.

Tonnage of
vessels ex-
plained.

XIV. And whereas doubts have arisen in the construction of the sixth section of the said recited act, wherein it is enacted, that on all vessels at entrance or clearance from or to foreign parts, there shall be paid by the master or owner thereof, certain duties in the said section enumerated; and it hath by some been supposed that the said words "foreign parts" were intended to exclude vessels and goods coming from any state in this Union from paying the tonnage and other duties by the said section directed to be paid: For the removing of such doubts and misconception, *Be it enacted*, That all vessels coming within this state from any of the United States, or from any port or place whatsoever, vessels of war excepted, shall be liable to pay the tonnage and other duties by the said recited act directed to be paid, in the manner by law prescribed.

Sheriffs to
continue col-
lection tho'
out of office.

XV. *And be it further enacted*, That the several sheriffs throughout this commonwealth, whose appointments will terminate in the month of October next, shall nevertheless have full power and authority to compleat the collection of the taxes aforesaid, which they are hereby required to perform, and shall have the same right and authority to collect or distrain for the payment of the said taxes, and shall be subject to account for and pay the same into the public treasury in like manner as if their appointments had not then expired.

XVI. *And be it further enacted*, That all and every part or parts of the act "For ascertaining certain taxes and duties, and for establishing a permanent revenue," as shall in any manner contravene this act, or any part thereof, be and is hereby repealed.

When and
how to ac-
count.

XVII. *And be it enacted*, That the several sheriffs and collectors shall account for and pay all monies and other articles by them respectively received, in payment for, and which may exceed the amount of the first half of the said taxes, at the time, in the manner, and under the penalties contained in the said recited act; and shall also in the same manner account for and

pay the money and other articles by them respectively received, for the other half of the said taxes, or for the balances due thereon, on or before the first day of January next, under the penalties prescribed in the said recited act, to be moved for and recovered at any session of the general court succeeding that time.

CHAP. XI.

[Chapter
LXXX in
original.]

*An act to continue and amend the act
intituled An act for the inspection
of Pork, Beef, Flour, Tar, Pitch
and Turpentine.*

[Chan. Rev.
p. 165.]

I. WHEREAS the act of assembly passed in the year one thousand seven hundred and sixty-two, intituled, "An act for the inspection of pork, beef, flour, tar, pitch and turpentine," which was continued and amended by several subsequent acts, will expire at the next session of assembly, and it is expedient and necessary that the same should be further continued and amended: *Be it therefore enacted*, That the act intituled, "An act for the inspection of pork, beef, flour, tar, pitch and turpentine," except so much thereof as respects the article of flour, shall continue and be in force from and after the expiration thereof, for and during the term of two years, and from thence until the end of the next session of assembly, and no longer.

Continuance
of act.

II. *And be it further enacted*, That the several inspectors appointed, or to be appointed by virtue of the said recited act, shall receive the following fees in lieu of those heretofore established, to wit: For every barrel of pork or beef inspected and stamped, one shilling; and for every barrel of tar, pitch and turpentine, seven pence half-penny.

Inspectors
fees.

III. *And be it further enacted*, That all the penalties and forfeitures to be incurred by the said recited act,

Penalties &
their appli-
cation.

for failure or neglect of duty, shall be the same as those established and specified in the said act passed in the year one thousand seven hundred and sixty-two, and recovered and applied as is directed by the said act.

CHAP. XLI.

[Ch LXXXI
in original.]

[Chan Rev.
p. 163.]

See Nov.
1781, c. 11.

An act to continue and amend an act intituled, An act for the relief of persons who have been or may be injured by the destruction of the records of county courts.

Preamble.

I. WHEREAS the powers of the commissioners appointed by the governor, with the advice of council, to carry into execution an act of the last session, intituled, "An act for the relief of persons who have been or may be injured by the destruction of the records of county courts," will expire at the end of this present session of assembly, and it is expedient and necessary that the same should be farther continued and amended: *Be it therefore enacted*, That the act intituled, "An act for the relief of persons who have been or may be injured by the destruction of the records of county courts," shall continue and be in force from and after the expiration thereof until the purposes for which it was enacted shall be effected.

Continuance
of act.

Extended to
all papers
filed in court

II. And whereas doubts have arisen whether the commissioners appointed or to be appointed in virtue of the said recited act can receive testimony respecting the loss of any papers other than those particularly mentioned in the aforesaid act; *Be it enacted*, That the said commissioners are hereby empowered and required to proceed in the same manner with respect to all bonds, bills, notes and other papers necessarily filed in the office where such destruction hath happened, as if the same had been entered of record.

CHAP. XLII.

{Ch. LXXXII
in original.]*An act for dissolving the vestries of
the parishes of Antrim and West-
over.*

I. WHEREAS it hath been represented to this present general assembly, that by the death and resignation of sundry members of the vestry of Antrim parish, in the county of Halifax, there remains only a majority of the said vestry, and that they are so very remiss and negligent, that for several years past a vestry has not been held for any purpose, by which means the objects of charity in the said parish have become very burthensome and troublesome to a few individuals: Vestries of
parishes of
Antrim in
Halifax, and
of Westover
in Charles
city, dis-
solved, and
new vestries
to be elected

II. *Be it therefore enacted*, That the vestry of the said parish of Antrim be, and the same is hereby dissolved.

III. *And be it further enacted*, That the freeholders and house-keepers of the said parish of Antrim shall, before the first day of October next, meet at some convenient time and place to be appointed and publicly advertised by the sheriff of the said county of Halifax, at least one month before such meeting, and then and there elect twelve of the most able and discreet persons being freeholders, and resident in the said parish, for vestrymen, which vestrymen so elected having in the court of the said county of Halifax taken the oaths prescribed by law, shall, to all intents and purposes, be deemed and taken to be the vestry of the said parish of Antrim.

IV. And whereas the levies of the said parish of Antrim, for a considerable time past, have not been laid by the vestry thereof, whereby the creditors of the said parish remain unpaid;

V. *Be it therefore enacted*, That the vestry of the said parish, to be elected by virtue of this act, shall levy and assess upon the tithable persons of the said parish, all such sums of money and quantities of tobacco as ought to have been levied and assessed by the said vestry. *Provided*, That notwithstanding any thing in this act contained, any suit or suits brought by

or against the vestry or church-wardens of the said parish, and now depending, may be prosecuted in the same manner as if this act had never been made.

VI. And whereas it hath been also represented, that there has not been a vestry held for the parish of Westover, in the county of Charles city, for a considerable time past, whereby no provision hath been made for the poor of the said parish, and great injustice hath been done to the creditors thereof: For remedy whereof,

VII. *Be it enacted*, That the vestry of the said parish of Westover shall be, and the same is hereby dissolved.

VIII. *And be it further enacted*, That the freeholders and house-keepers of the said parish of Westover shall, before the first day of October next, meet at some convenient time and place to be appointed and publicly advertised by the sheriff of the said county of Charles city, at least one month before such meeting, and then and there elect twelve of the most able and discreet persons, being freeholders, and resident in the said parish, for vestrymen, which vestrymen so elected having in the court of the said county of Charles city taken the oath prescribed by law, shall, to all intents and purposes, be deemed and taken to be the vestry of the said parish of Westover.

IX. *And be it further enacted*, That the vestry of the said parish of Westover, to be elected by virtue of this act, shall levy and assess upon the tithable persons of the said parish, all such sums of money and quantities of tobacco, as ought to have been levied and assessed by the said vestry. *Provided nevertheless*, That notwithstanding any thing in this act contained, any suit or suits brought by or against the vestry or church-wardens of the said parish, and now depending, may be prosecuted in the same manner as if this act had never been made.

CHAP. XLIII.

[Chapter
LXXXIII in
original.]*An act to regulate the pay of the militia heretofore called into service.*

I. *BE it enacted by the General Assembly*, That the pay of the militia called into service prior to the first day of October, one thousand seven hundred and eighty, who have marched into any other state, or have been embodied in this for the space of one month, shall be the same as that allowed and given by an act intituled, "An act to regulate and affix the pay of the militia heretofore called into service;" and the auditors shall adjust and settle the accounts of the militia so called into service, in like manner, and under the same restrictions and limitations as by the act to amend the act for regulating and disciplining the militia and for other purposes, is directed.

Pay of militia,
2, called into
service, re-
gulated.

CHAP. XLIV.

[Chapter
LXXXIV in
original.]
[Chan. Rev.
p. 165.]*An act to repeal so much of a former act as suspends the issuing of executions upon certain judgments until December, one thousand seven hundred and eighty-three.*See Nov.
1781, c. 22.

I. *BE it enacted by the General Assembly*, That so much of an act passed at the last session of Assembly intituled, "An act for directing the mode of adjusting and settling the payment of certain debts and contracts, and for other purposes," as suspends the issuing of execution on any judgment or judgments, for any sum or sums of money that have been or shall be obtained, until the first day of December, in the year of our Lord one thousand seven hundred and eighty-three, shall, from and after the first day of March next ensuing, be, and the same is hereby repealed.

Repealing
clause.

1783.

British debts assigned.

II. *And be it further enacted*, That no debt or demand whatsoever, originally due to a subject of Great-Britain, shall be recoverable in any court in this commonwealth, although the same may be transferred to a citizen of this state, or to any other person capable of maintaining such action, unless the assignment hath been or may be made for a valuable consideration, *bona fide* paid before the first day of May, in the year one thousand seven hundred and seventy-seven, the proof of which consideration and the time thereof, shall be on the plaintiff. *Provided always*, That when any

Tobacco, hemp and flour may be tendered in execution.

execution shall be issued between the first day of March, one thousand seven hundred and eighty-three, and the first day of December, one thousand seven hundred and eighty-three, upon a judgment for any sum of money, and actually served, it shall and may be lawful for the person or persons against whom such execution shall issue, to discharge the same, with the costs of suit, in inspected crop tobacco, merchantable inspected hemp, or merchantable inspected flour, upon navigation.

At what price.

And the county courts shall settle every month the then current price of the several alternatives, as the same shall be upon navigation; and the judges of the general court shall do the same at their quarterly sessions. And every such execution may be discharged as aforesaid, according to the prices settled by the court from whence it issued, agreeable to the last preceding valuation before the service of such execution; and the sheriff or other officer receiving the alternatives aforesaid in discharge of any execution, may be proceeded against for the recovery of the same, in like manner as by law such sheriff or other officer might have been proceeded against upon the execution of any *fiery facias* for money.

Judgments on future contracts excepted.

Provided also, That executions issued upon judgments to be obtained upon contracts or debts, entered into or made after the passing of this act, shall not be subject to be discharged in any of the alternatives above mentioned, if the same issued for any sum or sums of money. So much of the act intituled, "An act to amend an act intituled, An act for the better regulating and collecting certain officers fees, and other purposes," as repeals part of the act for allowing the full fees to which the lawyers practising in the several courts of this commonwealth are entitled, shall be, and the same is hereby repealed.

Repeal as to lawyers fees, see October 1778, ch. 14.

CHAP. XLV.

[Ch. LXXXV
in original.]*An act to amend the act for adjusting
claims for property impressed or
taken for public service.*

I. WHEREAS by an act intituled, "An act for ad-
justing claims for property impressed or taken for pub-
lic service," it is enacted, that no claims for horses or
other property impressed or taken for public service
shall be paid until the same shall be presented and al-
lowed by some county court, and reported to the next
or succeeding general assembly, in the manner by the
same act directed: And whereas it would be unjust that
sheriffs or other collectors who have received the re-
ceipts or certificates of commissioners appointed by the
governor, with the advice of council, by virtue of an
act intituled, "An act for procuring a supply of provi-
sions and other necessaries for the use of the army,"
for articles in the said act enumerated, purchased or
taken by them, should not be entitled to pay the same
at the treasury in discharge of the taxes for which they
were received, or that the persons from whom such ar-
ticles have been taken or purchased should be deprived
of the advantages intended by the said last mentioned
act.

Preamble.

II. *Be it therefore enacted*, That all receipts or cer-
tificates of the said commissioners, or any of them,
which have been received by sheriffs or other collec-
tors for taxes, agreeable to the directions of the said
act, may be audited and paid at the treasury in dis-
charge of the same.

Receipts or
certificates
received by
sheriffs for
taxes, agree-
able to exist-
ing laws, to
be received
at the trea-
sury.

III. And whereas there has been many instances of
sheriffs or collectors of taxes, who have made applica-
tion to the board of auditors to obtain a settlement of
their public accounts, and have offered to make pay-
ment for the same in money or certificates, agreeable
to the laws then in force, and the auditors, either from
the multiplicity of public business or other causes to
them seeming sufficient, having refused to admit such
sheriffs or collectors to a settlement of such public ac-
counts, and judgments hath passed against the said
sheriffs or collectors for the amount of such taxes, with

interest and damages; and it is just and proper in those cases, to grant relief to the said sheriffs or collectors:

Damages & interest re-mitted to sheriffs who had offered to settle at the treasury, under existing laws.

IV. *Be it therefore enacted*, That in all cases where any sheriff or collector of taxes hath made application to the auditors, offering to make a settlement and payment as aforesaid, and the auditors are convinced thereof, either from recollection of the circumstances, or from satisfactory proof to them offered, they shall certify the same to the solicitor general; and in all cases where they shall certify that the delay of such settlement and payment hath not been owing to any default of such sheriffs or collectors, it shall and may be lawful for the solicitor general to remit the payment of the damages and interest on the sum offered for payment as aforesaid; and the sheriffs or collectors shall be entitled to his quietus, on discharging as herein after directed, the sum remaining a balance against him after such deduction; any thing in the said recited act notwithstanding. Every sheriff or collector shall render to the auditors, an account, on oath, containing a list of certificates received by him in discharge of any tax, and in his account with the public shall be entitled to a credit for the sum expressed therein, or in lieu thereof may pay in money the value of such certificates at the time of settlement, deducting his commissions for collection. Except always, that where any sheriff or collector hath paid the public the amount of his collection, and shall produce to any court of claims a receipt for the same from the auditors of public accounts, or other persons legally authorized to receive such payment, or grant such receipt, such court of claims shall receive the certificates tendered to them by such sheriff or collector, although the same may amount to more than six per centum of the value of such collection, and shall make return thereof in the same manner as other certificates exhibited to them by other citizens of this state. *Provided nevertheless*, That the auditors or county courts in passing such certificates shall make the fullest enquiry by the oath of the sheriff or collector, or any other ways or means that the nature of the case will admit of, the time and manner of his obtaining the same, and at what rate of depreciation he procured money to discharge the public account in lieu of the said certificates, that just and reasonable satisfaction only may be made by the public; or where any

Sheriffs to make oath as to certificates by them received for taxes.

certificate has been paid to a sheriff in discharge of taxes, who has availed himself of the great depreciation of money, in discharging his public account, and shall hereafter exhibit such certificate to the auditors or any county court, in his name or the name of any other person, in order to avoid such enquiry and fix unjust demands against the public, the auditors or courts shall in all instances make the like enquiry, and render justice to the public and individuals.

CHAP. XLVI.

An act for auditing certain public claims.

[Chapter
LXXXVI
in original.]

I. WHEREAS by an act passed the last session of assembly, intituled, "An act for adjusting claims for property impressed or taken for public service," the several county courts within this commonwealth were directed to adjust the claims of all persons against the state; and to return their proceedings therein to the present assembly: And whereas from inspecting and examining many of the said claims as adjusted and allowed by the county courts, it hath been adjudged expedient to refer the final adjustment thereof to the auditors of public accounts:

Preamble.

II. *Be it therefore enacted*, That the auditors of public accounts shall, and they are hereby directed and required to settle all the claims made by the several county courts, and make allowances thereupon, for property impressed or taken for public use, agreeable to the following prices, that is to say: wheat at five shillings per bushel; flour fifteen shillings per hundred weight; seconds, ten shillings per hundred weight; corn, two shillings per bushel; oats, one shilling and six pence per bushel; fodder or hay, three shillings per hundred weight; pasturage for cattle or horses, four pence for twenty-four hours; waggon-hire, with a full team and driver and finding provisions and forage, fifteen shillings per day; waggon-hire, with a full team

Auditors to
settle claims
for property
impressed
for public
services.

At what price.

and driver and found by the public, eleven shillings per day; bacon, nine pence per pound; fresh pork, three pence per pound; pickled pork, six pence per pound; grass beef, three pence per pound; stalled beef, four pence per pound; pickled beef, four pence half-penny per pound; dried beef, six pence per pound; mutton, four pence half-penny per pound; for dieting a soldier, one shilling and six-pence per day; West-India rum, ten shillings per gallon; taffia, or continental rum, eight shillings per gallon; brandy, eight shillings per gallon; whiskey, four shillings per gallon; horse-hire, two shillings and six-pence per day; rye, three shillings per bushel; corn-meal bolted or sifted, two shillings and six-pence per bushel; corn-meal bolted or sifted, six shillings per hundred weight; corn-meal not bolted, two shillings per bushel; corn-meal not bolted, five shillings per hundred weight; Indian pease, three shillings per bushel; lambs, ten shillings each; ferriages on public account, one half of what is allowed by law; biscuit, fifteen shillings per hundred weight; rice, three pence per pound; cyder and vinegar, one shilling per gallon; flour barrels, two shillings and six pence each; corn-tops in the stack, one shilling and three pence per foot; butter, one shilling per pound; horse-shoes, one shilling and six pence each; bran, seven pence half-penny per bushel; common labourers, two shillings per day; tradesmen or watermen, five shillings per day; rope, one shilling and six pence per pound; and stablage, four pence for twenty-four hours. And where any other articles besides those above enumerated shall be included in the returns made by any of the courts of claims, the auditors of public accounts shall grant their warrant accordingly, except where they may have sufficient reason to think such valuations excessive, in which case the auditors may reduce the same. And the said auditors, in their proceedings, shall have regard to the value of horses as allowed by the present general assembly in their several resolutions.

Auditors not to issue certificates for damages done to houses and plantations, except where allowed against the U. States.

III. And whereas there are large sums allowed by the several county courts for damage done to houses and plantations;

IV. *Be it enacted*, That the auditors of public accounts shall not issue any certificates for such allow-

notes, unless it shall be made appear that the same were allowed in the settlement of the accounts of this state with the United States.

CHAP. XLVII.

(Chapter
LXXXVII
in original.)
[Chas. Rev.
p. 166.]

An act for providing more effectual funds for the redemption of certificates granted the officers and soldiers raised by this state.

I. WHEREAS by an act of the last session of assembly certain certificates were directed to be granted the officers and soldiers raised by this state, for depreciation and arrears of pay due them, which certificates from the urgent necessity of the said officers and soldiers, and from the insufficiency of the funds provided for their redemption, have already depreciated in their value, and without the aid of the legislature, will not answer the equitable purpose for which they were intended: *Be it therefore enacted*, That all persons who have obtained or may hereafter obtain injunctions in chancery to stay the sale of any escheated or forfeited estates, or have filed, or may hereafter file a plea of *monstrans de droit*, or *traverse*, shall be considered as plaintiffs prosecuting against the commonwealth, in which the proof shall lie upon them; and the court of chancery or general court, as the case may be, shall, at their second sessions after any injunction obtained, or plea of *monstrans de droit*, or *traverse* filed, proceed to hear, try and determine the same, unless good cause for a continuance be shewn to the court, otherwise every such injunction shall be considered as dissolved, or plea of *monstrans de droit*, or *traverse* set aside.

II. *And be it further enacted*, That upon any information being given to an escheator, that any British subject, or other person absent, or his or their attorney, on his or their behalf, hath made a fraudulent or ficti-

tious conveyance of the estate of such British subject or absentee, since the nineteenth day of April, one thousand seven hundred and seventy-five, such escheator shall, and he is hereby empowered and required to summon, as well the trustee, or person to whom such estate may have been conveyed, as also such other persons as can give evidence thereon, to appear before a jury of inquest, and if the said jury upon examination of the witnesses, the oath of the party, or other sufficient evidence, shall find that such British subject or absentee, hath any present or future interest in the said estate, such interest shall be forfeited to the commonwealth for the purposes aforesaid:

Payment of
British debts
into the trea-
sury revived

Creditors
may attach.

III. *And be it further enacted*, That so much of the act for sequestering British debts as authorizes the payment thereof, be, and it is hereby revived and put in full force. And all persons indebted to British subjects, and others, absentees as aforesaid, who shall annually in the month of May, pay into the public treasury, in specie, or in tobacco or hemp, at the prices to be fixed by the auditors, one tenth part or more of the debts they respectively owe to such British subjects or absentees, shall be so far exonerated from the same: Saving, however, to any *bona fide* creditors of such British subjects or absentees, the right which by law they may have to attach such debts in the general court or court of any county where such debtor or debtors to any British subject or absentee resides. And the treasurer is hereby directed to sell at public auction, as soon as may be, for specie or the said certificates, all such tobaccos or hemp, and the money arising therefrom, as also all sums as may be paid into the treasury by the said debtors, shall, in the month of June in every year, be applied to the discharge of the interest due upon the said certificates, which said interest shall be computed to commence on the first day of January last. And should it so happen, that after the payment of the interest as aforesaid, there shall be remaining in the treasury, on the first day of July for two years next to come, any monies arising from the funds appropriated for payment of the interest and redemption of the said certificates, the same shall be paid to the holders thereof in equal proportion.

Sale of for-
feited es-
tates.

IV. *And be it further enacted*, That no escheated or forfeited estate shall hereafter be sold without three months previous notice thereof in the gazette.

V. And whereas the documents required by the auditors of public accounts as legal vouchers for the settlement of the pay accounts of the officers and soldiers, who have served in the northern or southern armies, or in the county of Illinois, can never be produced, owing to the deaths of many individuals, and the unavoidable separation and other accidents which the events of war have occasioned: *Be it therefore enacted*, That the said officers who have served for any term not less than one year prior to the year one thousand seven hundred and eighty-one, shall be admitted to settle their pay accounts with the public auditors upon oath: And any soldier producing the discharge of his captain or commanding officer, shall be entitled to the arrears of cloathing and his pay for the time expressed in the discharge, or in case of such time not being ascertained, then shall be entitled to his pay for the term of his enlistment. And the like certificates for the balances, if any shall appear to be due, shall be thereupon granted by the auditors to the said officers and soldiers.

Officers and soldiers to pass their accounts on oath.

VI. *Provided always*, and it is hereby further enacted, That the more effectually to guard against the depreciation of the said certificates, the auditors of public accounts shall, for the present, issue certificates for the one third part only of the several balances which may appear due to the respective officers and soldiers, and the remainder at such times and in such proportions as hereafter may, to the governor in council, appear fit, upon the application of any three or more of the general and field officers heretofore appointed by the said officers to act for them in this behalf.

Guard against further depreciation.

VII. And whereas it is necessary that the number of claims to any part of the lands appropriated for the benefit of the said officers and soldiers should be speedily ascertained; *Be it therefore enacted*, That all persons having claims as aforesaid be required, and they are hereby directed, to transmit authenticated vouchers of the same to the war-office on or before the first day of January next; and if any person having such claim shall be without the state, he shall transmit the same on or before the first day of June next following.

Officers and soldiers to give in their land claims.

VIII. *And be it further enacted*, That the register of the land-office be, and he is hereby empowered and required to grant to the said officers and soldiers, war-

How their land warrants are to be obtained.

rans for the lands allotted them, upon producing to the register a certificate of their claims respectively from the commissioner of war, and no otherwise.

Bounty in
land for 3
years ser-
vice.

Addition for
8 years ser-
vice.

IX. *And be it further enacted*, That any officer or soldier who hath not been cashiered or superseded, and who hath served the term of three years successively, shall have an absolute and unconditional title to his respective apportionment of the land appropriated as aforesaid. And for every year which every officer or soldier may have continued, or shall hereafter continue in service beyond the term of six years, to be computed from the time he last went into service, he shall be entitled to one sixth part in addition to the quantity of the land apportioned to his rank respectively.

No locations
within their
bounds.

X. *Provided always, and it is hereby enacted*, That no surveyor shall be permitted to receive any location upon any warrant for lands within the county reserved for the officers and soldiers, until the apportionment and draught for the same, as directed by the act intitled, "An act to adjust and regulate the pay and accounts of the officers and soldiers of the Virginia line on continental establishment, and also of the officers, soldiers, sailors and marines in the service of this state, and for other purposes."

Their certi-
ficates to be
received for
public patent
fees.

XI. *And be it further enacted*, That the said officers and soldiers certificates shall be received in lieu of any fees or other monies which may be hereafter due to the public for patents for the lands assigned to the said officers and soldiers by law.

Certain offi-
cers includ-
ed in pay &
bounty.

XII. *And be it further enacted*, That so many officers and soldiers in lieutenant-colonel Lee's legion, or any other corps, as are credited to the quota of troops required from this state and properly belonging to the same, as also all military staff officers appointed from, and acting in, the Virginia continental line, upon producing to the auditors a certificate in favor of any such officer or soldier from the commissioner of war, shall be allowed certificates for depreciation and arrears of pay, in like manner and upon the same terms as the other troops raised by this state. And the commissioner of war is hereby authorised and required to take the most effectual precautions which he may think proper, precisely to ascertain the claims of such staff officers.

XIII. *And be it further enacted*, That the navy officers, sailors and marines of this state, shall, in all respects, have the same claims, and be subject to the same restrictions and regulations, in all matters coming within the purview of this act, as are allowed to the officers and soldiers in the land service of the same. So much of the act intitled, "An act to adjust and regulate the pay and accounts of the officers and soldiers of the Virginia line on continental establishment, and also the officers, soldiers, sailors and marines in the service of this state, and for other purposes," as comes within the purview of this act, shall be, and is hereby repealed.

Repealing
clause.

CHAP. XLVIII.

*An act for establishing a district court
on the western waters.*

[Chapter
LXXXVIII
in original]
[Cham. Rev.
p. 167.]

I. WHEREAS the mode of administering justice has become exceedingly inconvenient and burthensome to suitors living westwardly of the Allegany mountains; *Be it therefore enacted*, That from and after the first day of August next, the counties of Jefferson, Fayette and Lincoln shall be one district, and called the Kentucky district, for which there shall be a supreme court of judicature of original jurisdiction, (separate and independent of all other courts except the court of appeals) which said court shall have cognizance and jurisdiction of all treasons, murders, felonies, crimes and misdemeanors committed in the said district, except those made triable by the constitution before the general court; and also of all other crimes, matters and things at common law and in chancery arising therein, of which the high court of chancery and general court now have cognizance; and from and after the said first day of August, the said high court of chancery and general court shall cease to exercise any original jurisdiction whatsoever within the said district, except in

Preamble.

District described.

Supreme court.

Jurisdiction.

the case before-mentioned, and thereafter the court of the district shall have and exercise the same controuling power over the county and other inferior courts within the district, which are now exercised over them by the high court of chancery and general court, and all appeals from such inferior courts shall be made to the court of the district. There shall be one judge and two assistant judges for the said court, chosen by joint ballot of both houses of assembly and commissioned by the governor, who shall reside in the district, and any two of them may hold a court, and vacancies during the recess of the assembly shall be supplied in the manner pointed out by the constitution. The said judges shall, before entering upon the duties of their office, take the oaths prescribed by law to be taken by the judges of the high court of chancery and general court, adapting them to their respective cases, which oaths may be administered to any one of the said judges by one of the others, and by him to the other two.

Thres judges to reside in the district. They shall hold four sessions in every year, to commence on the first Mondays in March, June, September and November, and shall continue eighteen days, exclusive of Sundays, unless the business depending before them be sooner finished; and if two of the said judges shall not attend on the first day of any term, one judge may adjourn the court till the next day, and so on from day to day for six days, and if another judge shall not then attend, the said court shall be adjourned till the court in course, and thereupon all cases, matters and things depending before the court shall stand continued till the next court. The first three days of every term shall be set apart for the trial of criminal matters, the next five days for chancery matters, and the rest of the term for the trial of other business; but the judges for good cause may, before issuing subpoenas, order their clerk to regulate his docket otherwise so as not to postpone criminal matters which shall be first tried. The said court shall be a court of record, and shall, at any time during the term, take cognizance of matters arising within the district respecting the probate of deeds and wills and granting letters of administration, and may admit deeds to record within the time limited by law, either upon proof or acknowledgment thereof before such court, or upon a certificate of such proof or acknowledgment before

Their oath.

Sessions.

Mode of adjournment.

Allotment of business to different days.

Power as to deeds and wills.

any other common law court from the clerk of such court and under the seal thereof. The said court shall also have jurisdiction of all matters respecting escheats and forfeitures arising within the district, and in those cases escheators returns shall be made thereto and other proceedings had therein according to law. All caveats against grants for land lying in the said district, and all local actions accruing therein, heretofore cognisable before the said high court of chancery and general court, shall be tried in the court of the district; and such caveats may, after the said first day of August, be entered in the office of the deputy register, and shall, within one month after such entries, respectively be entered in the office of the clerk of the district, and summonses issued thereupon; but after the return of the plats and certificates to the land-office, caveats shall be entered in the register's office, and the term of six months allowed for the entry thereof in the office of the clerk of the district. All process shall bear test in the name of, and be signed by the clerk of the said court, and may be sent into any county in the district; and where local actions shall be commenced against defendants living out of the district, or defendants in other actions shall remove therefrom after the commencement of any suits, process may in those cases be sent into the counties in which the defendants live. Executions, attachments for contempts, commissions for taking acknowledgments of *feme covert*s to deeds, for taking depositions of witnesses not living in the district, which the said court shall award, upon good cause shewn may in like manner be sent to the counties in which the parties live. All process issuing from the said court shall be returnable to the days herein after mentioned, to wit: Writs of habeas corpus issued in vocation, unless ordered to be returned before a single judge, and process in criminal cases, to the first day of every court: Process and appeals in chancery, to the fourth or seventeenth days: Habeas corpus issued in term time, on such days as the court shall direct: Appeals in other cases, and all other process, except subpoenas, on the ninth or seventeenth days: Subpoenas for witnesses, on such days as the suits shall stand docketed to, and the court shall, on the ninth day thereof, regulate all matters respecting the rule docket, and try all disputes respecting bail. At the commencement of every term,

Escheats & forfeitures.

Caveats and local actions.

Process.

May be sent out of the district in certain cases.

Return days.

Rule proceedings when to be regulated.

- Grand jury.** the sheriff of the county in which the court may be held, and as many of his deputies as are necessary, shall constantly attend, and shall summon twenty-four able and discreet freeholders, or others qualified by law to serve as jurors, to appear on the first day thereof, who, or any sixteen of them appearing, may be sworn a grand jury for the district, who shall have power to present all offences committed therein, but the court shall have power to discharge such grand jury whenever it is necessary, order another to be summoned, and may proceed to the trial of criminals at any time during the term, if such criminals shall desire it. All persons committing capital offences in the said district, shall be examined in the courts respectively of the counties in which they are apprehended, and shall be tried by juries from the counties in which the offences are committed, and may be removed to and tried in the court of the district, in the same manner as is now practised in the general court. *Provided, That there shall be at least six weeks between the time of passing sentence of death upon any criminal and the execution thereof; and the judges shall have power, for good cause shewn, to respite execution of any such criminal eight months.* All actions, suits and other matters depending in the high court of chancery and general court, which by this act are made cognizable in the court of the said district, shall be transferred to the docket of such court, to be proceeded on in the same manner as if they had originated therein. And all papers and pleadings filed in such suits, shall be delivered to the clerk of the said court, to be filed in his office. The clerk of the said court shall call over his appearance docket, both in common law and chancery, on the fourth Mondays in those months in which courts are held, which are hereby declared to be the appearance days upon process, returnable to the preceding courts, and shall call over his docket on the same day in every month between the terms, whereupon such steps shall be taken as are directed in like cases in the high court of chancery and general court, and the same rules of proceeding observed therein, and when issues are made up, or suits in chancery set for trial, they shall be entered on the court docket for trial at the next term, the clerk setting as nearly an equal number thereof as may be, or as the court shall direct, to the days.
- Trial of criminals.**
- Their execution respited.**
- Suits now in the chancery or general court transferred.**
- Appearance day.**
- Rule days.**
- Rules.**
- Docket to be regulated.**

set apart for the trial thereof. And the judgments and decrees of the said court when rendered, shall be final in all cases, except those in which the court of appeals hath a controlling power over the high court of chancery and general court, in which cases the court of appeals shall have the like controlling power over the court of the district. The said district court shall have power to appoint their clerk and gaoler, and to superintend and regulate all matters respecting their gaol, and may also appoint persons to contract for building, repairing or enlarging the court-house and prison; and such gaoler, by warrant of a justice of the peace of his county, may summon guards to attend the gaol during the confinement of criminals, who shall obey such summons, or be liable to be fined by the said court, at their discretion, not exceeding twenty shillings for one offence. The said court shall also order seals to be provided for the use of the court, and any one of the judges thereof, out of session, shall have power to award writs of ne-exeat, injunctions, supersedeas, and certiorari, to award writs of habeas corpus, returnable before him at his chambers, to take recognizance of special bail, and to perform all other duties which a judge of the high court of chancery or general court can perform; and any acting justice of the peace may in like manner take recognizance of special bail in suits depending in the said district court. There shall be a person appointed by joint ballot of both houses of the assembly, to attend the said court as attorney for the commonwealth; and in case of a vacancy during the recess of the assembly, it shall be supplied by the governor and council pro tempore, which said attorney and judges shall hold their offices on the same terms, and be punishable for misfeazance therein, in the same manner with the judges of the general court and the attorney general, and shall, as well as their clerk, be exempted from military duty.

II. And be it further enacted, That where it is not otherwise directed by this act, all officers of the said court shall have the same powers, perform the same duties, and be entitled to the same fees as are given to, required of, or payable to the like officers of the high court of chancery and general court; and that in all cases not hereby particularly provided for, the said

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M

Judgments to be final, except the power of court of appeals.

To appoint clerk & jailer, and superintend the jail.

Build court house & prison.
Jailer to impress guards

Providing for seals.

Power of one judge out of session.

Attorney for the commonwealth.

He and the judges to hold their offices during good behaviour.

General rules for court & officers.

LAWS OF VIRGINIA, *

court shall be governed by the laws and regulations now in force in the high court of chancery and general court.

Tax on suits.
ora.

How disposed of.

Present place of session.

Governor to make temporary appointments of judges & attorney.

III. And whereas it is just that those who receive the benefit of the before mentioned regulations should bear the expence thereof: *Be it enacted*, That upon the commencement of any action or suit in the said court, there shall be paid to the clerk a tax of twenty shillings, to be by him accounted for and paid at the end of every term, that is to say: The sum of fifty pounds to the judge, the sum of twenty shillings to each assistant judge for every day they shall respectively attend, and the sum of thirty-seven pounds ten shillings quarterly to the attorney of the commonwealth, and the remainder of such tax, if any, to be applied towards defraying the expences of the public buildings, and such clerk shall be entitled to five per centum for his trouble in collecting and paying the same.

IV. *And be it further enacted*, That the judges of the said court shall hold their sessions at Harrodsburg, in the county of Lincoln, until proper buildings shall be erected at such place as the general assembly shall direct, and in the mean time shall have power to adjourn the said court to such places as they may think proper; and shall also have power over the gaoler of the county in which the courts are held, who shall receive into his custody, all persons committed by the said court.

V. And whereas it may not be expedient to proceed immediately to the appointment of the judges and attorney for the said district: *Be it therefore enacted*, That the governor, with the advice of the council, shall make temporary appointments in the mean times the persons so appointed to have the same powers, and be entitled to the same salaries, as are by this act given or payable to the attorney and judges to be appointed by the general assembly. *Provided always*, That nothing herein contained shall be construed to prevent the solicitor general from obtaining judgments in the general court against delinquent sheriffs and collectors in the district aforesaid.

CHAP. XLIX.

[Chapter
LXXXIX
is original.]
[Char. Rev.
p. 169.]

An act for further continuing an act for giving further time to obtain warrants upon certificates for pre-emption rights and returning certain surveys to the land-office, and for other purposes.

I. WHEREAS the powers of the commissioners for adjusting and settling the titles of claimers to unpatented lands will expire before the business can be finished: *Be it therefore enacted*, That all the powers heretofore given them, except in the district of Kentucky, shall continue and be in force until the first day of June next, and that the like time be allowed for locating pre-emption warrants in the surveyors offices respectively.

Powers of commissioners for adjusting titles to lands continued; and time for locating pre-emption warrants extended; And to have certificates recorded.

II. And whereas sundry persons omitted to have their certificates recorded in the surveyor's office and to enter their settlement rights in his books within the time prescribed by law: *Be it therefore enacted*, That such persons shall be allowed until the first day of May next to make such entries and record such certificates.

III. And whereas great inconveniencies have arisen from the register's not having been furnished with a copy of the proceedings of the commissioners for the district of Kentucky: *Be it therefore enacted*, That the said commissioners shall forthwith deliver to the said register all the books and papers respecting their said business, which books, or authentic copies of any certificates, shall be sufficient authority to the register to issue pre-emption warrants upon the claimants performing the other requisites in those cases.

Books and papers of Kentucky commissioners to be delivered to register.

IV. And whereas in some cases plots and certificates of survey have not been recorded in the surveyor's office nor returned to the register's office within the times respectively limited by law, and it is doubtful whether the lands held under such surveys are not still liable to be caveated: *Be it therefore enacted*, That where no caveat shall be entered before the said duties respectively shall be performed, such lands shall not thereafter be liable to forfeiture on account of such fail-

Lands saved if duties performed before caveat.

Tax on lit-
igants before
commissioners

ure. Every person instituting a suit before any court of commissioners, shall pay down six shillings in lieu of the ten pounds hereafter directed to be paid.

Specie certi-
ficates or
warrants to
be taken for
land.

V. *And be it further enacted*, That specie certificates, being first audited, or warrants upon the treasury, shall hereafter be receivable in discharge of the composition money, payable upon certificates of surveys on entries made with the surveyors before the establishment of the commonwealth's land-office; and upon certificates of survey of settlement rights; and that the deputy register of the land-office for the time being, shall be, and he is hereby empowered to receive such composition money or certificates, together with the plots and certificates of survey in the Kentucky country.

Further time
to return
surveys.

VI. *And be it further enacted*, That there shall be allowed a term of twelve months from the end of this present session of assembly, for returning to the land-office certificates of survey of land heretofore surveyed, and the register of the land-office is hereby empowered and required to receive the same, notwithstanding the time limited for that purpose may have expired.

Pre-emption
warrants
may be lo-
cated on
any waste
lands
but to lose
their force
of pre-emp-
tion.

VII. *And be it further enacted*, That the surveyor of any county within the district in which the right of pre-emption was granted, is hereby authorized and directed to locate and survey any pre-emption warrant on any waste and unappropriated lands within the district without exchanging the same: *Provided*, They do not have any force of pre-emption, but shall be equal and on the same footing with treasury warrants.

CHAPTER L.

[Chapter
IX in origi-
nal]*An act for calling in and redeeming
certain certificates.*

I. FOR redeeming and paying all military certificates, either for tobacco or specie, as well as those to be issued in virtue of an act intitled, "An act for adjusting claims for property impressed or taken for public service:"

Provision
for redeem-
ing military
and other
certificates.

II. *Be it enacted by the General Assembly,* That there shall be paid a tax of one per cent. for every hundred pounds, and so in proportion for a greater or lesser sum of the valuation of all lands and lots as the same shall have been valued by the commissioners; also a tax of ten shillings by every free male person above the age of twenty-one years, who shall be a citizen of this commonwealth; and also the like tax of ten shillings upon all slaves above the age of sixteen years, to be paid by the owners thereof, except such free persons and slaves as shall be exempted by the respective county courts through age or infirmity; also two shillings for every horse, mare, colt and mule; also three pence per head for all cattle; also five shillings per wheel for all coaches, chariots, phaetons, four-wheeled chaises, stage waggons for riding carriages, chairs, and two wheeled chaises; also fifteen pounds for every billiard-table, and four pounds for every ordinary license, over and above the taxes imposed by any act or acts of assembly. The court of every county shall, before the month of November next, take bond of the sheriff, with sufficient security, in the penalty of ten thousand pounds, payable to the treasurer of this commonwealth for the time being, and his successors, for the use of the commonwealth, and conditioned for the true and faithful collecting, paying, and accounting for all taxes in his county hereby imposed; and the said bond shall be recorded in the court of the county where the same is taken, and an attested copy thereof shall be transmitted by the respective clerks, without delay, to the auditors of public accounts, and admitted as evidence in any suit or proceeding founded thereon: And the said sheriff shall, from and after the first day of March-

Additional
taxes.

On lands.

Poll-tax.

On slaves.

Horses.

Cattle.

Carriages.

Billiard ta-
bles.Ordinary li-
censes.Bonds to be
taken of
sheriffs.Certified co-
py evidence.

LAWS OF VIRGINIA,

Taxes when
to be collect-
ed and dis-
trained for.

When ac-
counted for

Commis-
sions paya-
ble in kind.

Taxes paya-
ble in gold
or silver, or
certificates,
or treasury
tobacco
notes paya-
ble to enlist-
ed soldiers.

next, collect, receive, distrain for, and pay the taxes hereby imposed in his said county, under the like rules, regulations, allowances and penalties as are prescribed by an act of this present session of assembly intituled, "An act to amend the act for ascertaining certain taxes and duties, and for establishing a permanent revenue." *Provided nevertheless*, That the commissions to sheriffs for collecting the said taxes, shall be payable in kind. Every person and persons chargeable with the said taxes, shall pay the same to the sheriff or collector, either in Spanish milled dollars, at the rate of six shilling each; or in other current silver or gold coin at a proportionate value, or in military audited certificates, or in treasury tobacco notes, which were payable to enlisted soldiers, at the rate of twenty shillings per hundred weight, or in the warrants to be issued by the auditors of public accounts in virtue of an act of the present session of assembly, intituled, "An act for auditing certain public claims;" and that every person, upon paying the said taxes in any manner as before directed, shall be discharged thereof, and may demand and receive of the sheriff or collector, a receipt or discharge accordingly. That where any certificate shall have been liquidated by the auditors, and warrants granted upon the treasurer for payment in paper money, which remains unpaid, the same shall be re-audited and depreciation allowed thereon, agreeable to the scale fixed by act of assembly, and certificates issued by the auditors for the sum in specie.

Certificates
and warrants
to be divid-
ed by audi-
tors, into
small sums,
for conveni-
ency of
change.

Sheriffs to
account on
oath, for ac-
tual sums re-
ceived.

III. Whereas great inconveniences may arise for want of change between the sheriffs and the people, in the payment of the aforesaid certificates or warrants; For remedy whereof,

IV. *Be it enacted*, That the auditors of public accounts are hereby required to grant their certificates or warrants in such sums as will be most agreeable to the persons entitled to receive the same. *Provided* they are not to be divided in sums less than five pounds, unless it be to make up the balance of the sums thus to be divided; and the sheriffs shall account with the treasurer, upon oath, for the actual sums which they receive, whether the same be in specie or in certificates; and the treasurer is hereby required to carry all sums of money paid agreeable to this act, to account of the

fund for redeeming certain certificates and auditors warrants, and retain the same until appropriated by the general assembly.

CHAP. LI.

[Chapter
XCI. in original.]

*An act to continue and amend the act
for reviving several public ware-
houses for the inspection of tobacco.*

I. WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy-eight, intituled, "An act for reviving several public ware-houses for the inspection of tobacco," which was continued and amended by several subsequent acts, will expire at the next session of assembly, and it is expedient and necessary that the same should be farther continued and amended:

Acts con-
cerning the
inspection of
tobacco, fur-
ther contin-
ued.

II. *Be it therefore enacted*, That the act intituled, "An act for reviving several public ware-houses for the inspection of tobacco," shall continue and be in force, from and after the expiration thereof, for and during the term of six months, and from thence until the end of the next session of assembly, and no longer.

III. And whereas, by the several tobacco laws, now in force, the inspectors are not made liable for the tobacco by them inspected, by reason whereof, great losses are sustained by the proprietors thereof: For remedy whereof,

IV. *Be it enacted*, That the inspectors shall be answerable for all tobacco by them inspected, except where the same may be destroyed either by fire, floods or the enemy.

Inspectors
liable for to-
bacco lost,
except by
fire, floods,
or the ene-
my.

V. *And be it further enacted*, That there shall be paid to the proprietors of each ware-house, for all tobacco lying therein more than twelve months, at the rate of three pence per month for each hoghead, to be paid by the shipper thereof at the time of shipping the same: That a tax or duty of six shillings per hoghead for each hoghead of inspected tobacco, shall be

Storage on
tobacco ly-
ing in ward-
houses more
than twelve
months.
Export duty.

paid by the person or persons demanding the same from the several inspectors of this commonwealth, into the hands of such inspector, before the same shall be delivered, whether the said tobacco is to be exported from this commonwealth by land or by water, which is hereby declared to be the only duty payable on tobacco at the exportation thereof. And for the faithful accounting for and paying the said tax or duty to be received by the respective inspectors as aforesaid, they and each of them, shall, on or before the tenth day of August next, or at the next succeeding court to be held for their county, enter into bond with approved security, payable to the governor and his successors, for the time being, in the penalty of at least double the sum which each county court may estimate the tax or duty to, for which they the said inspectors will hereby become answerable: And for the true and faithful accounting for and paying into the treasury of this commonwealth, all sums of money to be by them received or collected by virtue of the said tax or duty, they and each of them, shall once in every three months, or oftener if necessity requires it, settle their accounts for the collection aforesaid, with the auditors of public accounts, and pay the money which may appear to be due into the public treasury; for which trouble, the said inspectors, and each of them, shall be entitled to a commission of two per centum upon all and every sum or sums of money to be by them collected in virtue of the said tax or duty aforesaid, to be deducted out of such collection and allowed in the settlement of their accounts. And the clerks of the respective county courts before whom such bond is given, shall immediately thereafter transmit such bond to the solicitor general; and if any inspector or inspectors shall fail to account for and pay into the treasury the monies by them to be received within the time hereby limited, the said solicitor may, and he is hereby authorized to move in the county court where such delinquent inspector or inspectors may reside, or in the general court, for judgment against such delinquent inspector or inspectors, upon giving ten days previous notice of such motion.

Inspectors to give bond to account for duty.

Commissioners.

Clerks to transmit bonds to solicitor general.

Remedy against inspectors, by motion.

Rents of warehouses, destroyed or burnt by the enemy, ag-

VI. *And be it further enacted*, That the monies arising for rents at any warehouse where the same hath been destroyed or burnt by the enemy and rebuilt, or to be rebuilt at the public expence, shall be applied

towards paying for the rebuilding the same: And the inspectors in every such case are hereby empowered and required to pay all such monies to the undertakers, or so much thereof as shall be sufficient, upon such undertakers first producing an order from the court of their county for the allowance made for rebuilding such ware-house, which money, so paid, shall be allowed by the treasurer in the settlement of such inspectors accounts.— And in all cases where the proprietor of any ware-house shall refuse or delay to make such necessary repairs as by the county courts may be directed, it shall and may be lawful for such court to order the letting of such repairs to the lowest bidder, to be paid out of the rents of such ware-house, and the whole of the rents as aforesaid, shall be paid by the inspectors to the undertaker, until he shall be fully satisfied; any law to the contrary notwithstanding.

plied to rebuilding them.

If proprietors refuse to rebuild, courts may order it.

VII. And whereas the time limited by an act of the last session for the disposal of all tobaccoes remaining in any ware-house heretofore discontinued, hath been found too short;

VIII. *Be it therefore enacted*, That the commissioners of the tax in each county wherein such discontinuance hath been, shall be allowed until the first day of October next to dispose of all tobaccoes remaining in any such ware-house or ware-houses.

Further time allowed for disposing of tobacco in warehouses discontinued.

IX. And whereas the ware-houses at Pitt's Landing, in the County of Accomack, and at Fulgham's in the county of Isle of Wight, have been discontinued, and it is judged expedient to revive the same:

X. *Be it therefore further enacted*, That the said ware-houses shall be, and are hereby revived; that at Pitt's Landing to be under the same inspection with Guilford and Pungoteague, and that at Fulgham's with Smithfield.

Warehouses at Pitt's Landing and Fulgham's revived.

XI. *And be it further enacted*, That the inspectors of the several ware-houses shall grant receipts for all tobaccoes to them, or either of them delivered, when the same cannot be inspected, and shall be liable for the same when demanded by the owner thereof for inspection, except at such inspections where the ware-houses have been destroyed, or where there is not room for the storage thereof.

Inspectors to give receipts for bacco, as delivered.

Appropriation of export duty.

XII. *And be it further enacted*, That the money arising from the duties hereby imposed upon tobacco exported, shall be set apart and appropriated in aid of the funds established by an act intituled, "An act for defending and protecting the trade of Chesapeake Bay."

Fees of pickers and turners-up.

XIII. *And be it further enacted*, That the people attending the several ware-houses called Pickers and Turners-up, shall demand from the proprietors of the tobacco to be inspected, at the following rates, and no more; that is to say, for turning up and finding nails, three shillings for each hogshead, and for repacking tobacco, six shillings for each hogshead; but nothing herein contained shall prevent the owners of tobacco from performing the said services themselves if they think proper.

CHAP. LII.

[Chap. XCH
is original.]

[Chan. Rev.
p. 169.]

An act to amend an act intituled An act to regulate the inspection of flour and for other purposes.

Preamble.

I. WHEREAS inconveniencies may arise from allowing the millers or manufacturers of wheat at their discretion to put into each barrel any indefinite quantity of flour, not less than one hundred and ninety six pounds nor more than two hundred and four pounds; and in order that the exporters of flour from this state may be enabled to go to market with the same convenience as the exporter from any of our sister states: *Be it enacted by the General Assembly*, That every barrel of flour for exportation shall contain one hundred and ninety six pounds, and no more.

Contents of barrels of flour.

Flour paid for taxes to be inspected

II. *And be it further enacted*, That all flour that may be paid for taxes shall be inspected at Warwick, in the county of Chesterfield, or some one of the public inspections already established, or to be established, agreeable to the direction of an act "For ascertaining certain taxes and duties, and for establishing a perma-

ment revenue," under the same regulations as are provided in the aforesaid act for regulating the inspection of flour, and that each barrel shall contain one hundred and ninety six pounds, and no more.

III. And whereas by an act of this session intituled "An act to repeal so much of a former act as suspends the issuing of executions upon certain judgments until December one thousand seven hundred and eighty three," it is enacted, that executions may be discharged among other commutable articles in merchantable inspected hemp and flour: *Be it therefore enacted*, That all hemp and flour tendered in payment of any debt or execution, shall be first inspected at the aforesaid public inspections, and that the receipts of the inspectors for hemp or flour may be paid agreeable to the tenor of the said act, and no other. *Provided always*, That no inspectors receipt for flour shall be offered in payment when the flour has been inspected more than three monthis.

Flour and hemp tendered on executions, to be inspected

IV. *And be it further enacted*, That the governor and council shall be empowered to rent other warehouses at the heads of navigation, if the public warehouses are not sufficient to hold all the flour and hemp to be inspected as aforesaid.

Warehouses for flour and hemp may be rented.

V. *And be it further enacted*, That there shall be paid upon the delivery of the private hemp or flour, by the person holding the receipts for the same, three shillings for every ton of hemp per month, and four pence for every barrel of flour per month, for every month that the same may lie in the warehouse, to be applied towards paying the rent of such warehouses as the governor may hire; and that the inspectors of hemp shall be allowed five shillings per ton for inspecting the same, to be paid by the person depositing the same at the warehouse.

Fees for rents.

VI. *And be it further enacted*, That if any person whatsoever shall forge or counterfeit, alter or erase, the stamp or receipt of any inspector of flour or hemp, or tender in payment any such forged or counterfeited, altered or erased receipt, knowing it to be such, and shall thereof be convicted, he or they shall be adjudged a felon, and suffer death as in case of felony, without the benefit of clergy.

For inspection of hemp

Death to counterfeit receipts for hemp or flour.

[Ch. XCIII
in original.]

CHAP. LIII.

An act to establish a town at the courthouse in the county of Fayette.

Town of
Lexington,
Fayette
county, Ken-
tucky esta-
blished.

I. WHEREAS it is represented to this assembly, that six hundred and forty acres of unappropriated lands in the county of Fayette, whereon the courthouse of the said county stands, have been by the settlers thereon laid out into lots and streets for a town, and that the said settlers have purchased seventy acres of land contiguous to the said six hundred and forty acres, being part of a survey made for John Floyd: And whereas it would tend greatly to the improvement and settling the same, if the titles of settlers on the lots were confirmed and a town established thereon:

II. *Be it therefore enacted*, That the said seven hundred and ten acres of land be and the same is hereby vested in fee simple in John Todd, Robert Patterson, William Mitchell, Andrew Steel, William Henderson, William M'Cownald, and William Steel, gentlemen, trustees, and established a town by the name of Lexington.

Trustees to
make con-
veyances to
settlers.

III. *And be it further enacted*, That the said trustees, or any four of them, shall, and they are hereby empowered and required to make conveyances to those persons who have already settled on the said lots; as also to the purchasers of lots heretofore sold, agreeable to the condition of the contracts; and may also proceed to lay off such other part of the said land as is not yet laid off and settled into lots and streets, and such lots shall be by the trustees sold or otherwise disposed of for the benefit of the inhabitants of the said town, and convey the same in fee simple, agreeable to the condition of the contract. *Provided always*, That the lots in the said town which have been laid off and set apart for erecting thereon the public buildings of the said county, shall be and remain to and for that use and purpose, and no other whatever.

Power of
trustees.

IV. *And be it further enacted*, That the said trustees, or the major part of them, shall have power, from time to time, to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and

orders for the regular building of houses thereon as to them shall seem best and most convenient. And in case of the death, removal out of the country, or other legal disability of any of the said trustees, it shall and may be lawful for the remaining trustees to elect and choose so many other persons in the room of those dead, removed or disabled, as shall make up the number, which trustees so chosen, shall be, to all intents and purposes, individually vested with the same power and authority as any one in this act particularly mentioned.

Vacancies,
how suppli-
ed.

V. *And be it further enacted*, That the settlers as well as purchasers of the lots in the said town, so soon as they shall have saved the same, according to the condition of their respective deeds of conveyance, shall be entitled to and have and enjoy all the rights, privileges and immunities which the freeholders and inhabitants of other towns in this state, not incorporated by charter or act of assembly, have and enjoy.

Privileges
of settlers.

VI. *And be it further enacted*, That the said trustees shall cause the survey and plot of the said town to be recorded in the court of the said county of Fayette. Saving to all persons all such right, title and interest which they or any of them could or might have to the lands, or any part thereof hereby vested in the said trustees, if this act had never been made.

Survey and
plat, where
to be record-
ed.

CHAP. LIV.

An act for seizure and condemnation of British goods found on land.

[Ch. XCIV
in original.]

I. FOR preventing clandestine trade with our enemies during a time of war; *Be it enacted by the General Assembly*, That all goods, wares or merchandize, of the growth, produce, or manufacture of Great-Britain, or of any territory depending thereon, which shall be imported or brought into this commonwealth and found on land, from and after the first day of September next, shall, and the same are hereby declared to be

British
goods found
on land lia-
ble to seiz-
ure and con-
fiscation.

prohibited and subject to seizure and confiscation. It shall and may be lawful for any person within this commonwealth, being a magistrate, or legally authorized to make seizures, to seize upon land any such goods, wares and merchandize. And to determine the validity of such seizures,

Proceedings
to determine
validity of
seizures.

II. *Be it further enacted*, That the person or persons by whom such seizure shall be made, shall in ten days thereafter, procure a citation to be issued from the court of admiralty, to summon the person or persons from whom the seizure shall be made, to appear before that court, on some certain day, not less than twenty days after the date thereof, to make good his claim to the goods in question, and upon the return of the citation served, or copy left at the last place of abode of the defendant, by any sworn officer, it shall and may be lawful for the court, and they are hereby directed to proceed to trial thereupon, agreeable to the rules of that court in cases of capture on the seas. *Provided*, That before any such trial, a copy of the citation shall be publicly affixed to the court-house door of the place where the seizure shall be made ten days, and shall also be inserted three weeks in the Virginia Gazette, to the intent that any person claiming right or interest in the goods seized may have an opportunity of entering and making known his claim, agreeable to the rules of that court. *Provided always*, That if it shall appear that the goods in question were imported or brought into this or any other of the United States before the said first of September next, such goods, wares or merchandize shall not be subject to condemnation under this act. In every case of condemnation by virtue of this act, the goods shall be sold by the marshal of the said court, and the money arising therefrom, after all charges are deducted, shall be divided, one moiety to the use of the prosecutor, and the other to the use of the commonwealth. Where the prosecutor shall be cast in his suit, the claimant or defendant shall recover full costs against the prosecutor. *Provided always*, That nothing in this act shall extend or be construed to extend to any goods, wares or merchandize which shall be captured or taken from the enemy. *Provided also*, That the operation of this act shall be, and is hereby suspended until the rest of the

Suspension
of act.

United States shall have passed similar laws on this subject. This act to continue and be in force for and during the continuance of the present war, and no longer.

CHAP. LV.

An act to amend the act for establishing a district court on the western waters.

[Ch. XCV
in original.]
[Chan. Rev.
p. 170.]

See ante ch.
48.

I. *BE it enacted*, That in case the judges of the court of the district of Kentucky shall not attend at the place appointed for holding the first court, they shall hold a court on such court day as they may attend, in the same manner as if the court had been adjourned to such day, and if all the judges should fail to attend on any court day, the court shall stand adjourned till the court in course, and all matters depending therein shall be continued till such court.

Provision in case judges of district court of Kentucky do not attend.

II. *And be it further enacted*, That whenever process shall be sent out of the district, the same may be made returnable on any return day within the term of nine months from the date thereof.

Return of process sent out of district.

III. *And be it further enacted*, That where transitory actions shall be depending in the high court of chancery or the general court on the first day of August next, between inhabitants of the district of Kentucky and inhabitants of any other part of this commonwealth, or where witnesses in any action or suit which may hereafter be depending in the said courts shall be living in the said district, the like process may in those cases issue from such courts to any county in the said district, which are directed to issue from the court of the said district to any other part of this commonwealth.

Certain transitory actions provided for.

AT A

GENERAL ASSEMBLY

Begun and held at the Public Buildings in the City of Richmond, on Monday the twenty-first day of October, in the year of our Lord one thousand seven hundred and eighty-two, and in the seventh year of the commonwealth.

Benjamin
Harrison,
esq. governor.

CHAP. I.*

An act concerning the certificates issued to the officers and soldiers of the Virginia line.

[Ch. XCVI
in original.]
[Chan. Rev.
p. 170.]

Sec. Oct.
1780, c. 27.

1. WHEREAS it is just that the officers and soldiers of the Virginia lines on continental and state establishment should annually receive interest upon the amount of the certificates which have been or may be issued to them for pay and depreciation, until such certificates shall be fully paid and redeemed: *Be it therefore enacted by the General Assembly,* That the treasurer for the time being shall, and he is hereby directed and required to pay annually, as the same shall become due, to the holder thereof, an interest of six per centum upon the amount of every certificate so as a-

Interest on
military cer-
tificates,
when and
how to be
paid.

* In the original the chapters are numbered progressively from the end of the last session, although the paging commences anew. But, as in the Chancellors' Revisal, the chapters commence with number 1, and the sections are differently arranged, in many instances, from the original, I shall conform to the Chancellors' Revisal, in this publication, for the convenience of reference.

Certificates
receivable
in taxes of
officers and
soldiers.

foresaid issued to the said officers and soldiers, the amount of which interest shall be ascertained by the auditors of public accounts, and commence the first day of January, one thousand seven hundred and eighty-two, endorsing on every such certificate at the time of payment the sum paid for interest, and taking a receipt for the same. And as a farther relief to the said officers and soldiers, it shall be lawful for them to discharge their public taxes with the said certificates in manner following, that is to say: the amount of such officers or soldiers tax shall be indorsed by the sheriff or collector on the back of the said certificate, passing his receipt at the same time to the said officer or soldier for the amount thereof, expressing that the same is by indorsement on such certificate, and taking from the said officer or soldier a certificate of the same, to be transmitted by such sheriff or collector to the auditors of public accounts, who are hereby directed to issue warrants to the amount thereof, charging the same to each respective officer or soldier, to be deducted annually out of the principal due to such officer or soldier.

Provision for
doctor Wil-
liam Brown,
in pay and
depreciation

II. And whereas William Brown, of the county of Fairfax, acted as surgeon to the second Virginia regiment raised by this state in the year one thousand seven hundred and seventy-five, until some time in the year one thousand seven hundred and seventy-six, when he was appointed by congress physician to the general hospital, and acted in that capacity, as well as assistant director and physician general and surgeon general, until the year one thousand seven hundred and eighty, when he resigned the said appointments; And whereas no provision is made by law for settling the pay and depreciation of the said William Brown, who is moreover excluded from the bounty in lands allowed by law to surgeons and chaplains, by accepting the said appointments and not continuing regimental surgeon for the term of three years: For remedy whereof, *Be it enacted*, That the auditors of public accounts shall settle the pay and depreciation of the said William Brown, for his services aforesaid, and issue certificates for the balance in the same manner and upon the like proof as is prescribed in the case of officers and soldiers.

Land bounty.

III. *And be it further enacted*, That the said William Brown shall be entitled to the bounty of lands al-

lowed by law to surgeons of regiments raised under authority of this state.

IV. *And be it further enacted,* That so much of an act intituled, "An act for providing more effectual funds for the redemption of certificates granted the officers and soldiers raised by this state," as directs the auditors of public accounts to issue for the present, certificates for the one third part only of the several balances which may appear due to the respective officers and soldiers, shall be, and the same is hereby repealed.

Restriction
in issuing
certificates
repealed.

V. *And be it further enacted,* That every officer and soldier availing or meaning to avail himself of the right hereby granted of discharging his public taxes in the said certificates, shall, at the time of giving in a list of his property or of paying his taxes for the same, make oath before any justice of the peace, or other proper person or persons authorized by law to administer such oath, that no part of such property has been conveyed to or received by him with a view of providing thereby for the payment of the taxes thereof in the said certificates; a copy of which said oath, attested under the hand of the person or persons who shall have administered the same, shall be produced by the said officer or soldier to the sheriff or collector, at the time of payment of his said taxes. *Provided always,* That where any officer or soldier shall be absent on actual duty, it shall be lawful for the attorney or agent of such absent officer or soldier to make oath in the manner herein before directed for his principal.

Oath to pre-
vent paying
taxes of o-
thers with
certificates.

[Ch. XCVII
in original.]

CHAP. II.

*An act to continue the act intituled
An act to ascertain the number of
people within this commonwealth.*

Act for tak-
ing the cen-
sus of Virgi-
nia, further
continued.

I. WHEREAS the act of assembly passed at the last session, intituled, "An act to ascertain the number of people within this commonwealth," will expire at the end of the present session of assembly, and it is expedient and necessary that the same should be continued:

II. *Be it therefore enacted*, That the act intituled, "An act to ascertain the number of people within this commonwealth," shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.

[Chapter
XCVIII in
original.]

CHAP. III.

[Chan. Rev.
p. 171.]

See October
1779, ch. 19.

*An act to continue the act intituled,
An act to empower the judges of
the general court to superintend
and regulate the public jail.*

Act empow-
ering judges
of general
court to su-
perintend &
regulate the
public jail
further con-
tinued.

I. WHEREAS the act of assembly passed in the year one thousand seven hundred and seventy-nine, intituled, "An act to empower the judges of the general court to superintend and regulate the public jail," will expire on the first day of January next, and it is expedient and necessary that the same should be continued: *Be it therefore enacted*, That the act intituled, "An act to empower the judges of the general court to superintend and regulate the public jail," shall con-

tinue and be in force from and after the expiration thereof, for and during the term of two years, and from thence to the end of the next session of assembly, and no longer.

CHAP. IV,

[Chapter
XCIX in o-
riginal.]

An act to continue the act intituled An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth.

See October
1783, c. 10.

I. WHEREAS the act of assembly passed at the last session, intituled, "An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth," will expire at the end of the present session of assembly; and it is expedient and necessary that the same should be continued:

Act to ascertain the losses sustained by the depredations of the enemy, during the war, further continued.

II. Be it therefore enacted, That the act intituled, "An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth," shall continue and be in force, from and after the expiration thereof, until the end of the next session of assembly, and no longer.

[Chap. C in
original.]

CHAP. V.

An act to vest certain lands in William Robinson, in fee.

Certain entailed lands of Maximilian Robinson formerly in King George now in Westmoreland, vested in William Robinson, in fee.

I. WHEREAS it has been represented to this present general assembly, that Maximilian Robinson, late of the county of King George, having one son named William and a daughter named Alice, by one wife, and one other son named Harry, by a second wife, did, by his last will and testament bearing date the fourth day of January, one thousand seven hundred and seventy-five, devise all his lands in the county of King George to his said youngest son Harry, and to the heirs of his body, lawfully begotten, and in default of such issue, to his other son William for life, and to the heirs of his body, lawfully begotten, and failing of such issue, to the male issue of his daughter Alice, who hath since died without male issue, and that the said Harry, upon the death of the testator, entered into the premises and died seized thereof without issue of his body, and intestate as to the said lands, subsequent to the passing of the act of assembly intituled, "An act declaring tenants of lands or slaves in taille to hold the same in fee simple;" that upon his death, William Robinson, his nephew of the half blood and heir in taille under the will of his grand-father the said Maximilian Robinson, entered and died possessed of the said lands, leaving a widow, Margaret Robinson, and a son and heir, William Robinson, and two daughters, Aune Washington Robinson and Margaret Robinson, infants. And whereas by the operation of the said recited act, the said lands must either descend to the heirs of Harry, by the whole blood, who are alien enemies, or escheat to the commonwealth, to the great injury of the unoffending infant, William Robinson, who, by Townshend, Dade and Beckwith Butler, his guardians, together with the said Margaret Robinson, the widow, have petitioned this assembly for relief:

II. *Be it therefore enacted*, That the said lands formerly in the said county of King George, but now in the county of Westmoreland, of which the said Harry Robinson died seized under the will of his father the

said Maximilian Robinson, shall be, and the same are hereby vested in the said William Robinson, the infant, in fee; subject, nevertheless, to the dower of the said Margaret Robinson, his mother, in the same; any law to the contrary thereof notwithstanding.

CHAP. VI.

An act concerning John M'Lean.

[Chapter
CI in origi-
nal.]

I. WHEREAS it is represented to this present general assembly, that John M'Lean, sometime in the year one thousand seven hundred and seventy-four, went over to Great-Britain for the recovery of his health, leaving a wife and children resident in the county of Norfolk, and having lately returned hither, hath petitioned this assembly for permission to reside in this state with his family:

John M'Lean
permitted to
take the oath
of allegiance
and to re-
side in this
state.

II. *Be it therefore enacted*, That the said John M'Lean, on taking the oaths of allegiance and fidelity to this commonwealth, shall be entitled to the like privileges, immunities and advantages, with the other citizens of this state.

[Chap. CII
in original.]

CHAP. VII.

An act for giving further time to the freeholders and house-keepers of the parishes of Antrim and Westover to elect new vestries.

Further
time allow-
ed to elect
vestries, in
parishes of
Antrim and
Westover.

I. WHEREAS the time limited for electing new vestries for the parishes of Antrim and Westover, by an act of assembly, passed at the last session, intituled, "An act for dissolving the vestries of the parishes of Antrim and Westover," has elapsed without such elections being made; and it is expedient and necessary that farther time be allowed for those purposes:

II. *Be it therefore enacted*, That it shall be lawful for the freeholders and house-keepers of the said parishes of Antrim and Westover respectively, on or before the first day of May next, to elect a vestry, in manner directed by the above recited act.

[Chapter
CIII in ori-
ginal.]

CHAP. VIII.

An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act.

[Chan. Rev.
p. 171.]

See October
1777, ch 2.

Preamble.

I. FOR amending and reducing the several acts for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act: And whereas the sum produced by the land tax is disproportionate to that of other subjects of taxation; and it is just and right that property of every kind should be equally burthened for the defence and protection of the state:

Additional
tax on land.

II. *Be it enacted*, That from every owner of land or lots within this commonwealth, in addition to the tax

already imposed, there shall be collected and distrained for, fifty per centum on the amount, or ten shillings on the pound of all sums payable for tax on land and lots, as the same may be charged by the examiners appointed under the act of the present session of assembly, for equalizing the land tax; also a tax of ten shillings by every free male person above the age of twenty-one years, who shall be a citizen of this commonwealth; and also upon all slaves, to be paid by the owners thereof, except such free persons and slaves as shall be exempted on applications to the county courts, through age or infirmity; also two shillings for every horse, mare, colt and mule, except covering horses; and for every covering horse, there shall be paid by the owner thereof, the sum which such horse covers one mare the season, which rate or sum the owner shall note down when he delivers in his list of property to the justice; also three pence per head for cattle of all ages; also six shillings per wheel for all coaches, chariots, phaetons, four-wheeled chaises, stage waggons for riding carriages, chairs, and two-wheeled chaises; also fifteen pounds for every billiard table, and five pounds for every ordinary license; which said taxes shall be paid annually in manner herein after directed. And for the regular listing of all the articles enumerated above:

Poll-tax.

Tax on slaves.

On horses.

Covering horses.

Cattle.

Carriages.

Billiard tables.

Ordinary licenses.

III. *Be it enacted*, That the court of every county shall divide the same into convenient precincts, and annually before the tenth of March, appoint one of the justices for each precinct, to take a list of the said enumerated articles therein; and every justice shall give public notice of his being so appointed, and at what times and places he intends to receive the lists, by advertising the same at the most public places within his precinct; and shall on or before the twentieth day of April next following, deliver to the clerk of the county-court, together with the vouchers by him taken, a fair alphabetical list of the names of all free male persons above the age of twenty-one years as aforesaid, and resident within his precinct, and of the names of all slaves, specifying to whom they belong, distinguishing in a separate column, such as are above the age of sixteen, for the purpose of carrying into execution the laws concerning county and parish levies, and the

Justices to take lists of taxable property annually.

How lists made out & returned to clerk.

Duty of
clerk to
make out 3
copies.

How disposed of.

His allowance.

Penalty on
clerk and
justice for
neglect.

Lists of taxable
property how to be
given in.

"Act for calling in and redeeming certain certificates," which distinction so made, shall, for the act last mentioned, be clearly certified in the lists, by the clerks of the several courts to the auditors to be delivered; and also the number of cattle, horses, mares, colts, and mules, wheels for riding carriages above specified in this act, billiard tables and ordinary licenses; which said enumerated articles shall be placed under the names of the persons to whom they belong; and the said clerk shall file the same in his office, and shall make out three fair copies from all the lists so taken and delivered to him, one of which shall be delivered to the auditors of public accounts, at their office, by the said clerk, on or before the first day of July in each year, one other copy to be set up in the court-house of the county at May court, and the other to be delivered to the sheriff or collector of public taxes in the said county, on or before the first day of May annually. There shall be allowed to each county-court clerk, the sum of five pounds, for extra officium services by this act required. If any justice or clerk shall refuse or neglect to perform the duties required of them respectively as above-mentioned, such person or persons shall forfeit and pay, for such refusal or neglect, the sum of one hundred pounds, recoverable on information in any county-court within this commonwealth, who shall thereupon enter judgment and award execution for the same, to be applied towards lessening the county levy where the same shall be recovered; provided the party have ten days previous notice of such information.

IV. And to enable the justices for each precinct to make out lists of the said enumerated articles: *Be it enacted*, That every master or owner of a family, or in his absence or non-residence at the plantation, his or her agent, attorney, or overseer, shall, between the tenth day of March and the tenth day of April annually, by a list under his or her hand, deliver or cause to be delivered to the justice appointed for that precinct, the names of all free male persons above the age of twenty-one years, and the names and number of slaves, distinguishing those that are titables abiding in or belonging to his or her family the ninth day of March; also the number of his or her cattle, horses, mares, colts, and mules, wheels for riding carriages as herein before-mentioned, billiard tables, and ordinary licenses;

or the master or owner thereof, or in case of his or her absence or non-residence upon the plantation, the overseer, shall be adjudged a concealer of such and so many articles above enumerated as shall not be listed and given in, and for every article so concealed, shall forfeit and pay five hundred pounds of tobacco, to be recovered by information in any county-court within this commonwealth, for the use of the county where such concealer shall be, for lessening the county levy; the master or owner shall be subject nevertheless, to the payment of the taxes, in the same manner as if the same had been duly listed and given in. If any owner agent, attorney, or overseer, shall happen by sickness, absence or ignorance of the person or place, to omit delivering his or her list before the said tenth day of April, to the justice appointed to take the same, and shall deliver or send his or her list to the clerk of the court before the last day of the said month, he or she shall thereupon be discharged from the penalty aforesaid, and the clerk shall add all such lists so delivered to him, to the several lists of the justices to whom the same should have been given in, for which it shall be lawful for the clerk to charge the party fifteen pounds of tobacco for each list so added, to be paid in the same manner as other clerks fees. And the said sheriff shall, from and after the first day of May annually, collect and receive from all and every person and persons chargeable therewith, the taxes imposed by this act, in his said county; and in case payment be not made or received on or before the first day of June annually, the said sheriff shall have power to distrain the lands or slaves, goods or chattels, which shall be found upon the lands and in the possession of the person so indebted or failing, notwithstanding such lands, slaves, goods, or chattels, shall be comprised in any deed or mortgage; and if the owner thereof shall not pay the taxes due within five days after such distress, such sheriff or collector shall and may lawfully sell the same, or so much thereof as shall be sufficient to discharge the said taxes and the charges of distress and sale; for ready money; but if the same will not sell, in the opinion of the officer making such distress, for three fourths of their value, then the same shall be sold for one month's credit, giving six days notice of the day and place of sale, by advertising the same at the church, or other

Penalty for
concealing
property.

How penalty
may be
saved.

Sheriff
when to col-
lect and dis-
train.

Property li-
able though
comprised in
deed or
mortgage.

Manner of
sale.

As to lands
seized.

public places in the parish wherein such distress shall be, on the next Sunday after the expiration of the said five days, and shall take sufficient security residing in the county, for the payment thereof; and in case the same shall not be paid within the said one month, such officer is hereby authorized and required to make immediate distress on the lands, goods or chattels, of such purchaser or purchasers, his, her, or their security or securities, and proceed to sell the same for the best price that can be got in ready money; which several sales shall be good and effectual in law against all persons whatsoever. *Provided always*, That where any

Proviso, as to lands,

sheriff or collector shall make seizure of any lands by virtue of this act, he shall sell the smallest number of acres that the lowest bidder will pay the taxes for, together with the charges of distress and sale, which shall be laid off by the surveyor of the county, and conveyed by the sheriff. The proprietor of the land, his or her agent or attorney, may appoint, on the day of sale, what part of the tract shall be sold; and in case of failure so to do, the sheriff or collector shall sell that part as in his opinion will least injure or prejudice the tract; and where other sufficient effects can be had thereon, distress shall not be made of such lands.

Unreasonable distress, how punished.

Provided always, that where unreasonable seizures or distresses shall be made, the party grieved shall have an action against the sheriff or collector, and shall recover full costs where any damages shall be given; and the said sheriff or collector shall duly account for and pay into the treasury of this commonwealth, on or before the fifteenth of September annually, the full amount of all taxes imposed in his said county, deducting therefrom an allowance for insolvents, and such other allowances as this act directs to be made, and five per centum for his commissions thereon; and before any allowance shall be made in the case of insolvents, the sheriff or collector shall return a list thereof to the court of his county, and shall also render an account for all monies or other articles by him received for property concealed, with the names of the concealers, as well those who have, as those who have not paid taxes, and shall make oath that the said list of insolvents, and the account rendered for taxes received for property concealed as aforesaid, are just and true, an attested copy of which shall be delivered to the auditors of public accounts by

Sheriffs, when to account and pay.

How to account.

the sheriff or collector, and the same shall by them be allowed in passing his accounts. And in case the said sheriff or collector shall fail to account for and pay into the treasury as aforesaid, the money or other articles in lieu thereof, imposed by this act and received by him for taxes, every such delinquent sheriff or collector shall be liable to a judgment against him, on motion, to be made by the solicitor, or other person appointed for that purpose, at the October general court, or any subsequent court after such failure, for the amount of the taxes due, and fifteen per centum damages, together with an interest of five per centum upon the whole amount, until paid, for the use of the commonwealth, and thereupon execution shall issue; provided the party has ten days previous notice of the day on which such motion is to be made. The said court, upon good cause to them shewn, are hereby empowered to remit the said damages and interest, or any part thereof, on every such judgment. There shall be paid by all and every person and persons chargeable therewith, to the sheriff or collector of the same, the taxes herein before enumerated, which said taxes shall be paid in Spanish milled dollars, at the rate of six shillings each, or in other current silver or gold coin, at a proportionate value, or in the bills of credit herein after mentioned, or in such produce of this commonwealth, at such rate, and in such manner and proportion as is herein after mentioned, to wit: One tenth part or two shillings in the pound of the tax on land, shall be payable at the option of the persons paying the said tax, in the bills of credit emitted on the funds of this commonwealth, and the faith of the United States, as pledged by the resolutions of Congress of the eighteenth of March, in the year one thousand seven hundred and eighty, and the interest due on such bills shall be computed and allowed to the payor, at the time of payment thereof, for the said tax: And the bills of credit so received, shall be paid into the treasury, and not re-issued, but shall remain in the treasury to be burnt and destroyed; and other four-tenths of the said tax on land shall be paid in commutable articles, as by this act is directed. *Provided always*, That the gold coin paid into the treasury by virtue of this act, shall be received at the following rates, to wit: The johannes, weighing eighteen pennyweight, at four pounds sixteen shillings; half johannes,

Penalty.

Power in the court to remit the damages and interest

How taxes may be paid.

Rates of gold paid for taxes.

How certain
commodities
may be re-
ceived.

weighing nine pennyweight, at two pounds eight shillings; guineas, whether French or English, weighing five pennyweight six grains, at one pound eight shillings; half guineas, weighing two pennyweight fifteen grains, at fourteen shillings; moidores, weighing six pennyweight eighteen grains, at one pound sixteen shillings; doubloons, weighing seventeen pennyweight, at four pounds ten shillings; pistoles, weighing four pennyweight six grains, at one pound two shillings and six pence. And all other taxes, on articles enumerated as aforesaid, to be paid by this act (except the tax on land, shall be payable, at the option of the payer) one half thereof in specie, tobacco or hemp, and the other half in specie, tobacco, hemp, or flour, to wit: In inspectors receipts or notes for good merchantable crop tobacco, not less than nine hundred and fifty nett weight, and not inspected more than one year when offered in payment, at the rate of twenty shillings per hundred, with an allowance of twelve shillings and sixpence for inspection and cask, or in transfer receipts or notes for tobacco, at the rate of one hundred and six pounds for one hundred pounds of crop tobacco at any public inspection within this commonwealth, or inspectors receipts or notes for sound, clean and merchantable hemp, delivered at the warehouses provided, or to be provided for the reception thereof, at the towns of Alexandria, Dumfries, Falmouth, Fredericksburg, Harrodsburg, Lewisburg, Abingdon, Richmond, Manchester, Petersburg, and West Point; provided, that skins as herein after described, shall be the only article receivable at the towns of Lewisburg and Abingdon, which said receipts or notes for hemp, shall be received in discharge of taxes according to this act, at the rate of fifty shillings per hundred, or in receipts for sound and merchantable flour in casks, delivered at the warehouses provided, or to be provided, by the inspectors and receivers of hemp at the aforesaid towns, between the first day of November and the first day of May annually, preceding the collection of the said taxes, at the rate of thirteen shillings and fourpence per hundred, with an allowance of two shillings and sixpence for cask and inspection; and any person or persons chargeable with taxes by this act, and paying the same in manner herein directed, shall be discharged thereof, and may demand and receive of the sheriff or collector,

a receipt specifying in what article such person paid his tax, whether it be specie, bills of credit as aforesaid, or commutables, particularising the warehouse from which the tobacco notes he may have received shall have issued; and shall, moreover, return a list on oath of such payments to the clerk of the court of his county, immediately after his collection, copies of which list shall be fixed up in the said court-house, for the inspection of the people; and the auditors are hereby required not to settle with any sheriff for the taxes collected under this act, except the said sheriff do produce to them a copy of such list, certified by the clerk of his county; and the auditors shall, upon settlement with the sheriff, give their order to the treasurer to receive such specie, paper money, or commutables, from the sheriff, agreeable to the said list; and every sheriff failing to pay the same accordingly, shall forfeit and pay the sum of five hundred pounds, to be recovered in like manner as is prescribed in the case of delinquent sheriffs.

Sheriff to return a list of payments to the clerk.

A copy to be set up in the court-house.

V. And that the flour so paid in discharge of taxes may be converted to the purposes by this act intended, before the same shall be injured or lost, *Be it enacted*, That the inspectors or receivers of flour, shall once in every month, during the time herein before limited for the reception of flour, make out and transmit to the treasurer, a fair and accurate list of the quantity of flour by him or them received, and for whom, and on failure so to do, he or they shall forfeit and pay the sum of fifty pounds, to be recovered by motion in the general court, or the court of the county where such inspections may be, with costs, to the use of the commonwealth, and thereupon execution shall issue, provided the party has ten days previous notice of such motion. And the treasurer for the time being, shall sell the said tobacco, hemp, skins, and flour, from time to time, as occasion may require, for current gold or silver coin, or otherwise to dispose of the said tobacco, hemp, skins, and flour, in payment of the debts and contracts of this commonwealth, on the best terms that can be obtained, in like manner as if the same had been current gold or silver coin actually paid into the treasury, having a due regard to the appropriations which are or shall be made of the revenue of the commonwealth, and shall also sell or dispose of all the comm-

Inspectors of flour to return lists monthly to treasurer.

Penalty.

Treasurer to sell commodities speedily.

table articles which are now on hand, or may hereafter be paid in from the collection of the present year. And the courts of the counties respectively in which the aforesaid towns of Alexandria, Dumfries, Falmouth, Fredericksburg, Harrodsburg, Richmond, Manchester, Petersburg, Lewisburg, Abingdon, and West Point are, shall be, and are hereby authorized and required, to provide good and sufficient warehouses for the storage of hemp and flour, according to this act, and to

Courts to provide warehouses for hemp & flour; appoint one or two reputable persons, as the case may require, within the said towns respectively, for the receiving, safe keeping, and delivering of the said hemp and flour on public account, and for inspecting the said hemp, who in the receipts given by them, or either of them, shall specify the names of the persons or owners delivering the same, the number and quantity of each bundle of hemp, and the warehouse, number, and nett weight of each barrel of inspected flour received, for which the inspectors manifest shall be produced, and filed at the said warehouse, as a voucher, to prove the inspection thereof, before the delivery by the owner.

And appoint receivers. And the said courts respectively, shall make such reasonable allowance to the inspectors or receivers aforesaid, for their services, as they shall think proper, and shall certify the same to the auditors of public accounts, and all other expences attending the said warehouses, for the receiving and delivering of the hemp and flour aforesaid, shall be allowed and certified in like manner, and shall be paid out of the money in the public treasury, arising from the sale thereof: And the said

Their duty: inspectors or receivers of hemp and flour shall, before entering upon the duties of their office, give bond, in a reasonable penalty, payable to the treasurer for the time being, or to his successors, for the use of the commonwealth; conditioned for the due and faithful performance of the duties required of them by law, in the execution of their said office, and in case of failure in any court inspector or receiver respectively, as aforesaid, such court shall be liable to the same penalties as is provided in the case of the justices neglecting or refusing to take and return lists of enumerated articles, by this act to be recovered, and applied in like manner: And such inspector or receiver shall be liable to damages upon the action of the party grieved, and shall moreover forfeit and pay the sum of one hundred

And allowance.

To give bond.

Penalties on them and courts.

pounds, recoverable on information in any county court, for the use of this commonwealth.

VI. *And be it further enacted*, That hemp, flour, and all other articles directed to be paid by this act, shall be weighed by the nett or short hundred, and that the several certificates for hemp and flour shall be separate and distinct, so that the several commutable articles may appear in a clear and distinct view. Hemp and flour how to be weighed.

VII. *And be it further enacted*, That there shall be received, accounted for on oath, and paid into the treasury of this commonwealth, by the register of the land office for the time being, every half year, to wit: on or before the first day of April and the first day of October in every year, the tax of five shillings for every hundred acres of land exceeding fourteen hundred acres, contiguous to or contained in any patent hereafter to be granted to any person or persons, except in cases of land allowed to officers as bounties; which said tax the said register is authorised to demand and receive before granting the said patent. And for the register's direction herein, the surveyor shall certify on every plat by him to be returned for surveys made after the first day of April next, whether the land contained in such plat is adjacent to other lands surveyed or patented for the same person or persons; and the quantity of such adjacent land, if any, according to the best of his knowledge, information and belief; and that no patent shall issue without such certificate being made by the surveyors: And the said register shall account for and pay the money arising from the aforesaid tax, in the same manner as is directed by this act in the case of sheriffs accounting for and paying the taxes received by them; and in case of failure, shall be liable to the like penalties, to be recovered in like manner. Tax on certain patents.

VIII. *And be it further enacted*, That on all vessels, at entrance or clearance, from or to foreign parts, or from or to any of the United States, vessels of war excepted, there shall be paid, by the master or owner thereof, the duty of one shilling and three pence per ton, to the collector of duties, at the port or ports established, or to be established for the entrance and clearance of such vessels; and for every gallon of rum, brandy, and other distilled spirits, and for every gal- Tonnage on vessels.
Duty on spirits & wine imported.

Vox. 26

Q

On Sugar. Ion of wine, which shall be imported or brought into this commonwealth, either by land or water, from any port or place whatsoever, the duty or custom of four pence, which shall be paid by the owner or importer of the same; and for every hundred pounds of sugar, which shall be imported or brought into this commonwealth, as aforesaid, from any port or place whatsoever, the duty or custom of four shillings and two pence; and for every pound of coffee which shall be imported or brought into this commonwealth, as aforesaid, from any port or place whatsoever, the duty of one penny; and for all other goods or merchandize, which shall be imported or brought into this commonwealth, as aforesaid, from any port or place whatsoever, the duty of one per centum, ad valorem, on the amount, per invoice, of such goods and merchandize; all which said duties shall be paid by the owner or importer of any of the articles or merchandize above mentioned.

Masters of vessels, when to report. IX. *And be it further enacted*, That the master or purser of every ship, or other vessel, importing any goods, wares, or merchandize, liable to a duty by virtue of this act, to any port or place within this commonwealth, shall, within forty eight hours after his arrival, make a true and just report upon oath, with the collector of the duties in the said port or place, of the burthen, contents, and loading of such ship or vessel, with the particular marks and numbers of every cask or package whatsoever therein laden, with spirits, wine, sugar, coffee, and other merchandize, and the quantity of such spirits, wine, sugar, and coffee, and the value of such other merchandize, to whom consigned, to the best of his knowledge; and also where, and in what port the same were laden and taken on board, upon penalty of forfeiting three hundred pounds current money, recoverable on information, in any court within this commonwealth, who shall thereupon enter judgment, and award execution for the same, to be applied, one moiety to the use of the informer, and the other to the use of the commonwealth.

Dutiable goods landed before entry, forfeited. X. *And be it further enacted*, That no spirits, wine, sugar, coffee, or other merchandize, liable to the said duties, imported or brought into this commonwealth by water, by any person or persons whatsoever, shall be landed, or put on shore, until due entry made there-

of with the collector of the duties in such port or place, and a true account of the marks and numbers of every cask and package, as aforesaid, at that port or place where the same was shipped or taken on board, given on oath before the said collector, who shall certify the same upon the back of the original invoice, or a true copy thereof, to him produced; and thereupon such importer, paying the duties laid by this act, or securing the payment thereof within six months, shall obtain a permit, under the hand of such collector, for the landing and delivery of the same; and all spirits, wine, sugar, coffee, or other merchandize, landed, put on shore, or delivered, contrary to the true intent and meaning of this act, or the value thereof, shall be forfeited and lost, and may be seized or recovered by the said collector of the port or place where the same shall be put on shore or delivered, or by any other person or persons whatsoever. And the owner or importer of any of the aforesaid spirits, wine, sugar, coffee, or other merchandize, by land, shall, in like manner, make due entry of the same within ten days after the importation, with the clerk of the county court wherein they are brought, who shall receive the taxes or duties payable thereon, or take bond with good and sufficient security from the importer, for the payment thereof within six months; and the said clerks shall, in case the owner or importer of the said articles shall fail to pay the duties imposed thereon, or give bond as aforesaid, proceed in like manner to seize and sell the same as is directed in the case of seizures made by the collectors or naval officers, *Provided always*, That no person shall be required to give account upon oath, of the true contents of any pipe, or lesser cask of wine, or any hogshead, or lesser cask of spirits, imported, but shall have liberty to enter a pipe of wine, or hogshead of spirits as aforesaid, at one hundred gallons, and all lesser casks after the same proportion, any thing in this act to the contrary notwithstanding.

Importations
by land to
be entered
with clerk
of the court.

Direction as
to casks.

XI. *And be it further enacted*, That if any person or persons whatsoever, shall willingly make a false entry, and be thereof convicted, such person or persons shall forfeit and pay one hundred pounds current money, and also forfeit the goods, recoverable on information, in any court within this commonwealth, who shall thereupon enter judgment, and award execution

Penalty for a
false entry.

for the same, to be applied one moiety to the use of the informer, and the other to the use of the commonwealth.

Collectors
may seize
goods on
board a ves-
sel, if duty
not paid.

Proceedings
thereon.

Penalty on
collector re-
ceiving a
bribe or con-
viving at a
false entry;

And on the
person offer-
ing it.

Collector by
warrant and
with a con-
table in the
day time
may break
open houses.

XII. *And be it further enacted*, That the collectors of the duties aforesaid, or any person by them appointed on board any ship other or vessel, and from thence to be brought on shore, any articles whatsoever liable to a duty by virtue of this act, if such duty be not paid or agreed for within ten days after the first entry of such ship or vessel, or bond with good and sufficient security given for payment of the same within six months next after such entry, which bond, if offered, the collector is hereby authorized and required to accept and take, and such articles so brought on shore to secure and detain until due payment shall be made, or security given for the same as aforesaid. And if such payment or security be not made or given within two days from the time of such seizure, the collector of the duties aforesaid is hereby empowered to sell the same; or so much thereof as shall be sufficient to discharge the said duties, and five per centum for the charges of such seizure and sale. Provided nevertheless, that notice shall be given of such sale by advertising the same two weeks in the Virginia Gazette, and they are also empowered to stay and remain on board such ship or vessel until all such wines, spirits, sugar, coffee, and other merchandize, be discharged and delivered out of the same. And if any collector or collectors of the said duties, or clerks of the county courts, or any other person or persons deputed by them, or any of them, shall directly or indirectly take or receive any bribe, recompence, or reward, in any kind whatsoever, or shall connive at any false entry of the articles liable to a duty or custom by virtue of this act, the person or persons so offending shall forfeit and pay the sum of one hundred pounds current money, and be forever after disabled in his said office, and rendered incapable of holding any office or employment relating to the customs within this commonwealth, and the person or persons giving or offering such bribe, reward, or recompence, shall forfeit and pay one hundred pounds current money.

XIII. *And be it further enacted*, That it shall be lawful so and for all and every collector and collectors of

the duties aforesaid, or clerks of county courts, by warrant under the hand of a justice of the peace (which warrant shall not be granted but upon an information made to him upon oath, and accompanied with a constable) to break open in the day time any house, warehouse, or storehouse, to search for, seize, and carry away, any wine, spirits, sugar, coffee, and other merchandize, liable to a duty by this act, and for which the said duty shall not have been paid or secured to be paid as aforesaid, and if any collector, clerk, or constable shall be sued or molested for any thing done in execution of the powers hereby given them, such collector, clerk, or constable may plead the general issue, and give this act in evidence, and if in such suit the plaintiff be non-suited or judgment pass against him, the defendant shall recover double costs; and in all actions, suits, or informations to be brought, or where any seizure shall be made pursuant to this act, if the property thereof be claimed by any person as the owner or importer thereof, in such case the *onus probandi* shall lie upon the owner or claimer.

Indemnified

Proof to lie on the claimant of goods seized.

XIV. *And be it further enacted*, That when any wine, spirits, sugar, coffee, or other merchandize, shall be consigned to any person other than the master or owner of the ship or vessel importing the same, every person to whom such articles shall be consigned, shall, upon the importation thereof, pay to the master or owner of the ship or vessel importing the same, the duty payable for such articles by this act, and if any person or persons to whom such articles shall be consigned as aforesaid, shall neglect or refuse to pay the said duty, or give bond with security for the payment thereof to the master or owner of the ship or vessel importing the same, at such time as the same shall become payable, it shall and may be lawful for the master or owner of such ship or vessel to detain such articles until the duty shall be paid, or secured to be paid as aforesaid.

Master may detain dutiable goods consigned till duty paid or secured.

XV. *And be it further enacted*, That if any importer of wines, spirits, sugar, coffee, or other merchandize, shall desire to transport the same from one district to another, within this commonwealth, he shall, before he depart out of the district wherein such articles shall be laden or taken on board, make oath before a justice of the peace that the same were legally imported, and the duties secured according to law, and that he will not

How goods entered may be carried to another district.

suffer any other goods to be taken on board his vessel, and the justice shall give him a certificate thereof, specifying the marks and numbers of the said goods, and if any other goods shall be found on board such vessel they shall be forfeited, to be recoverable on information in any court of record, one half to the use of the commonwealth, and the other half to the informer.

Bonded duties how to be recovered.

XVI. *And be it further enacted*, That it shall and may be lawful to and for the said collectors and clerks to recover the said duties so bonded by motion made in the general court, or the county court wherein the principal or either of his securities respectively reside, and such court shall give judgment for the sum due on such bonds, with costs and interest of five per centum on the same until paid. *Provided always* ten days previous notice in writing shall be given by such collector or clerk, to the person or persons so to be moved against. And the said collectors and clerks respectively, shall be allowed for collecting, accounting for, and paying the said duties imposed by this act into the treasury of this commonwealth, the sum of five per centum on the money so collected by them or any of them, and they are hereby required to account for, and pay into the treasury aforesaid, every half year, to wit: On the tenth day of April, and the tenth day of October in every year, or within ten days afterwards, all money received by them respectively, on public account, pursuant to this act, upon pain of forfeiting one half of their commissions, to be carried to the credit of the public treasury, and of being suspended from their said office of collector or clerk until such payment be made.

Allowance to collectors.

Penalty for not accounting and paying.

Certificates, what not to be received for taxes.

XVII. *And be it further enacted*, That no certificates, receipts, or warrants for militia, or military service, except receipts given under the act for supplying the southern army with waggons and horses, except also certificates granted for money advanced, agreeable to a requisition of the governor and council of the twenty-eighth of February, one thousand seven hundred and eighty-two, and except also so much of the certificates issued, or to be issued to the officers and soldiers of the Virginia lines, on account of pay and depreciation, as shall pay the taxes on the property of every such officer and soldier, and the certificates or warrants for interest, due to the said officers or soldiers

as herein after mentioned, in manner prescribed by an act passed this present session of assembly, intituled, "An act. concerning the certificates issued to the officers and soldiers of the Virginia line," shall be received in discharge of the taxes imposed by this act.

XVIII. *And be it further enacted,* That warrants issued by the auditors of public accounts for all arrears of wages, or salaries allowed by law, to the governor, the members of the privy council, the delegates to congress, the speaker of the senate, and of the house of delegates, the members of the general assembly, and the officers of every denomination attending thereon, judges of the high court of chancery, judges of the general court, judges of the court of admiralty, the treasurer, attorney general, auditors for public accounts, solicitor general, commissioners of the navy, clerks to the council, to the treasurer, to the auditors, to the solicitor general, to the assistant commissary of stores, the keeper of the public jail, the public armourer, the commissioner of the gun manufactory at Fredericksburg, the director of the hospital, the public printer, the door-keepers to the council, the clerks of the superior courts, and other officers attending thereon, also all warrants issued by the auditors for interest due on the certificates granted, or to be granted to the officers and soldiers, both land and naval, of the Virginia lines, on continental and state establishments, shall be receivable in discharge of taxes imposed by this act, and the several sheriffs or collectors, shall be allowed a discount with the treasurer in their settlements for the said taxes, for all warrants so by them received.

What certificates to be received in taxes.

XIX. *And be it further enacted,* That the court of hustings in the city of Williamsburg and borough of Norfolk, and the serjeants for the said city and borough, shall have the same power to proceed in the execution of this act, and be subject to the same penalties and forfeitures, and recoverable in the same manner as the county courts, and the respective sheriffs.

Powers of courts and serjeants, in Williamsburg and Norfolk.

XX. *And be it further enacted,* That on all private acts which shall hereafter pass the general assembly, the party or parties applying for the same, and benefited thereby, shall pay down to the clerk of the house of delegates, for the use of the public, the sum of ten pounds, before the same shall be signed by the speaker.

Tax on private acts of Assembly.

or of either house, for which the said clerk shall, at the end of each session of assembly, account on oath and pay into the public treasury, under penalty of being incapacitated from his said office, for failure herein.

Forfeitures
appropriated.

XXI. *And be it further enacted*, That the several forfeitures and penalties which shall or may arise in any wise by virtue of so much of this act as relates to the collection of duties on wines, spirits, sugar, coffee, and other merchandize, and on tonnage, shall be one half for and towards the raising and supporting the hospital for aged and disabled seamen, and the other half to the use of the informer, to be recovered upon information in any court of record.

Deer skins
added to
commuta-
bles.

XXII. *And be it further enacted*, That skins of deer, well dressed and fitted for the purpose of making breeches, be added to the specifics made commutable with specie in payment of taxes, that on land excepted, by the said act. That the skins so to be paid, shall be received at the places appointed for the reception of other specifics, and at the price of eight shillings per pound for every deer-skin.

This act to
be given
in charge to
the grand
jury.

XXIII. *And be it further enacted*, That the presiding magistrate of the respective courts to be held in the months of May and November annually, shall give this act in charge to the grand jury; and the clerk of the court shall also furnish the said jury with a list of the taxable property taken by the justices of the county, for their inspection and information. All and every act or acts, matter or thing, contrary to and not within the purview of this act, are hereby repealed.

Northern
Neck quit-
rents, se-
questered.

XXIV. And whereas no provision is made by this act, or by the act for equalizing the land tax, to credit the citizens in the Northern Neck for so much of the land-tax as their respective quit-rents may amount to: And whereas, since the death of the late proprietor of the Northern Neck, there is reason to suppose that the said proprietorship hath descended upon alien enemies: *Be it therefore enacted*, That persons holding land in the Northern Neck, shall retain sequestered in their hands, all quit-rents which are now due, until the right of descent shall be more fully ascertained, and the general assembly shall make final provision thereon; and all quit-rents which may hereafter become due within the limits of the said Northern Neck, shall be paid in-

to the public treasury under the operation of the laws of this session of assembly, for which quit-rents the inhabitants of the said Northern Neck shall be exonerated from the future claim of the proprietor.

CHAP. IX.

[Chap. CIV
in original.]

An act granting a conditional pardon to certain offenders.

I. WHEREAS Albrington Holland, Henry Norfleet, John Caton, and Levi Moore, now under sentence of death for acts of treason against this state, have made application to this assembly to be pardoned for their said offence:

II. *Be it therefore enacted*, That the said Albrington Holland, Henry Norfleet, John Caton, and Levi Moore, shall be, and they are hereby pardoned, and execution of the sentence shall not be made. Provided the said Albrington Holland, Henry Norfleet, John Caton, and Levi Moore, do serve as soldiers in the continental army during the war.

III. *And be it further enacted*, That James Lamb and Joshua Hopkins, who severally stand convicted of treason, by judgment of the general court, at their session in June last, shall be, and each of them are hereby declared to be pardoned and exonerated from the penalties of the said judgment, upon condition that they, and each of them, do within two months depart this commonwealth, and not return into the same during the present war.

Pardon granted to Albrington Holland, Henry Norfleet, John Caton, and Levi Moore, convicted of treason, on condition that they serve as soldiers during the war
James Lamb and Joshua Hopkins, pardoned, on condition that they leave the state.

[Chap. CV in
original.]

CHAP. X.

An act for dissolving the Vestry of the Parish of St. Anne, in the county of Essex.

I. WHEREAS it hath been represented to this present general assembly, that the present vestry of the parish of Saint Anne in the county of Essex, have not been elected by the freeholders and house-keepers of the said parish, but as vacancies have happened therein they have been supplied by the vestrymen themselves: For remedy whereof,

Vestry of pa-
rish of Saint
Anne, in Es-
sex county,
dissolved.

II. *Be it enacted*, That the vestry of the said parish of Saint Anne be, and the same is hereby dissolved.

III. *And be it further enacted*, That the freeholders and house-keepers of the said parish of Saint Anne, shall, before the first day of May next, meet at some convenient time and place, to be appointed and publicly advertised by the sheriff of the said county of Essex, at least one month before such meeting, and then and there elect twelve of the most able and discreet persons, being freeholders and residents in the said parish, for vestrymen, which vestrymen so elected, having in the court of the said county of Essex, taken the oaths prescribed by law, shall, to all intents and purposes, be deemed and taken to be the vestry of the said parish of Saint Anne.

IV. *And be it further enacted*, That the vestry of the said parish of Saint Anne, to be elected by virtue of this act, shall levy and assess upon the tithable persons of the said parish, all such sums of money and quantities of tobacco as ought to have been levied and assessed by the said vestry. *Provided nevertheless*, That notwithstanding any thing in this act contained, any suit or suits brought by or against the vestry or churchwardens of the said parish, and now depending, may be prosecuted in the same manner as if this act had never been made.

CHAP. XI.

[Chap. CVI
in original.]*An act to empower the justices of
Greenbrier county to clear a wag-
gon road from the Warm Springs
in Augusta.*

1. *BE it enacted by the General Assembly, That the* justices of the county of Greenbrier, or a majority of them, shall have full power to appoint three or more proper persons, who being first sworn, to view and mark a way for a waggon road from the Warm Springs in Augusta, to the Savanna; a report whereof being returned to, and approved of, by the said court of Greenbrier, they, or a majority of them, are empowered to employ a person, or persons, to clear and open the same, agreeable to the said report, upon the best terms they can, and to levy the expense of clearing and opening the road upon the inhabitants of the said county at large, to be paid according to the value of their estates, agreeable to the assessment made in the year one thousand seven hundred and eighty two, and be collected by the sheriff in the same manner as the public tax for the same year. *Provided always,* That the said inhabitants shall have the alternative of paying the said tax in money or clean merchantable hemp, to be delivered at the court-house of the said county, to such person as the sheriff or collector may appoint to receive it, according to the price of hemp at Richmond, allowing the deduction for carriage. *And provided also,* That no distress shall be made for the said tax before the first day of March, one thousand seven hundred and eighty four. All acts of assembly contrary to the purview of this act are hereby repealed.

Court of
Greenbrier
county, au-
thorized to
clear a wag-
gon road
from the
Warm
Springs, in
Augusta, to
the Savanna.

CHAP. XII.

[Ch. CVII
in original.]

[Chan. Rev.
p. 176.]

An act for the recovery of arms and accoutrements belonging to the state.

I. WHEREAS sundry arms and accoutrements belonging to the public are in the hands of individuals, who have neglected to return them to the proper officers; and it is necessary that such arms and accoutrements should be recovered as speedily as possible:

Arms, &c.
belonging to
the state, to
be delivered
up to com-
mandants of
regiments.

Proclama-
tion for that
purpose.

Penalty on
those who
detain them

County lieutenants to
return an ac-
count of
arms received

Penalty.

Saving as to
arms placed
on frontiers.

II. *Be it enacted*, That the governor do, on the passing of this act, issue his proclamation, enjoining all persons having in their possession, any arms or accoutrements whatsoever, belonging to the state; to deliver them without delay to the lieutenant or commanding officer of the county for the time being; and the sheriff of each county within his commonwealth, shall cause copies of the said proclamation, which shall be transmitted to him by the executive, to be fixed up in the most public places in this county, and if after one month from such public notice having been given, any person possessing any such public arms or accoutrements, shall be convicted of having failed to deliver them up as aforesaid, such person shall, upon every such conviction, be liable to the penalty of twenty pounds, to be recovered by action of debt, bill, plaint, or information, in any court of record within this commonwealth, one half of which penalty shall go to the informer, on conviction of the offender, and the other half shall be applied in aid of the county levy where such offender shall reside. And the lieutenant, or commanding officer of each county, shall make returns from time to time, to the executive, of all arms and accoutrements so delivered to him, and also deliver them to the order of the executive, under the penalty, if he fail in all or any part of this duty, of fifty pounds, to be recovered as aforesaid, and applied in diminution of the county levy. *Provided always*, That where muskets and bayonets have been by order of government placed in any county on eastern or western frontier for defence against incursions of the enemy, it shall be lawful for the lieutenant or commanding officer to return such muskets and bayonets to the militia, taking a receipt from each person for what shall be so returned.

CHAP. XIII.

[Ch. CVIII
in original.]

*An act to amend the act for calling in
and funding the paper money of
this State.*

Chan. Rev.
p. 177.]See Nor.
1781, c. 13.

I. WHEREAS the time limited by an act for calling in and funding the paper money of this State hath been found too short, and many of the citizens have, from their remote situation, been precluded from an opportunity of sending their money to the public treasury: for remedy whereof,

II. *Be it enacted*, That the treasurer shall be, and he is hereby authorized and required to receive the paper money issued by this state, and grant certificates for the same in manner prescribed by the said recited act, until the first day of June next, and no longer; any law to the contrary thereof notwithstanding.

Further time allowed, for returning and funding paper money.

III. *And be it further enacted*, That any person possessed of, or holding any money emitted by congress, or by this state, shall be at liberty to lay out the same in the purchase of warrants for unappropriated lands, at the price now established by law, at any time before the said first day of June.

State or continental paper money, to be received for land warrants.

CHAP. XIV.

[Chap. CIX
in original.]

*An act to repeal the several acts of
assembly respecting the commis-
sioner of the war-office, and the
commercial agent.*

I. WHEREAS in these times of public distress it behoves the legislature to be as economical as possible in the expenditure of public money:

Duties of commissioner of war-office, to be performed by executive

II. *Be it therefore enacted*, That so much of the act of general assembly, passed in the May session one thousand seven hundred and eighty, intituled "An act

to repeal an act establishing a board of war, and one other act establishing a board of trade, and authorizing the governor and council to appoint a commissioner of the navy, a commissioner of the war office, and a commercial agent, as relates to the appointment of a commissioner of the war office and a commercial agent," shall be, and the same is hereby repealed.— And also the act of general assembly passed in the May session, one thousand seven hundred and eighty one, intituled, "An act to regulate the department of the war office," is hereby also declared to be repealed, and henceforward the duties appertaining to the said commissioner of the war office's department, shall be exercised and performed by the executive, or such other public officers into whose line they may in the opinion of the governor and council more properly fall; any former act or acts of assembly to the contrary notwithstanding.

Books, &c.
of commis-
sioner of war
and com-
mercial a-
gent, to be
delivered to
executive.

III. *And be it further enacted*, That the said commissioner of war and commercial agent, respectively, shall deliver to the governor and council, all books, papers, accounts, and vouchers in their possession, and which may respect their departments; and also account for, and deliver to the order of the governor and council, all public property and effects in their hands.

CHAP. XV.

[Chapter
CX in origi-
nal.]

An act to indemnify certain persons in suppressing a conspiracy against this state.

I. WHEREAS divers evil disposed persons in the year one thousand seven hundred and eighty, formed a conspiracy and did actually attempt to levy war against the commonwealth; and it is represented to the present general assembly, that William Preston, Robert Adams, junior, James Callaway, and Charles Lynch, and other faithful citizens, aided by detachments of volunteers from different parts of the state,

did, by timely and effectual measures, suppress such conspiracy: And whereas the measures taken for that purpose may not be strictly warranted by law, although justifiable from the imminence of the danger;

II. *Be it therefore enacted*, That the said William Preston, Robert Adams, junior, James Callaway and Charles Lynch, and all other persons whatsoever, concerned in suppressing the said conspiracy, or in advising, issuing, or executing any orders, or measures taken for that purpose, stand indemnified and exonerated of and from all pains, penalties, prosecutions, actions, suits, and damages, on account thereof. And that if any indictment, prosecution, action, or suit, shall be laid or brought against them, or any of them, for any act or thing done therein, the defendant, or defendants may plead in bar, or the general issue, and give this act in evidence.

Indemnity granted to Wm. Preston, Robert Adams, jr. James Callaway, and Chas. Lynch, for suppressing conspiracy against the state.

CHAP. XVI.

[Chap. CXI in original.]

An act concerning the two legions raised by this state.

I. *BE it enacted by the General Assembly*, That all soldiers who have enlisted in the two legions, raised for defence of this state, under the acts passed in the year one thousand seven hundred and eighty one, shall be, and they are hereby permitted to enlist in this states quota of continental troops; provided they give up all claim to any bounty, pay, or emolument accruing to them under the said acts. And the executive are directed to place such sums of money as may be judged expedient, in the hands of proper persons, for the purpose of recruiting such soldiers as may incline to reinlist in the continental army for three years, or during the war, taking sufficient security for the proper disposal of the same. And the commanding officers of the said legions are hereby empowered to discharge any soldiers of the said legions, who will give up the bounty and pay which they may claim under

Soldiers belonging to the two legions, authorized to enlist in the continental army.

May be discharged, on relinquishing the bounty and pay, provided

the aforesaid act; and the executive are hereby authorised to disband, by proclamation, the said legions whenever they may find necessary or expedient.

CHAP. XVII.

[Chapter
CXII in
original.]

*An act to prohibit intercourse with,
and the admission of British sub-
jects into this state.*

Preamble.

I. WHEREAS all private and indirect communication with the common enemy, not compatible with public negotiations under lawful authority, ought to be prevented, and the interests of the republic will be best preserved by a strict adherence to the policy of an act of congress of the 4th of October last, recommending it to these United States to restrict all intercourse between persons coming from the enemy and their citizens, and to prohibit the admission of any subject of his Britannic majesty, coming directly or indirectly from any part of the British dominions, into any of these states:

Intercourse
with flag
vessels, how
conducted.

II. *Be it enacted by the General Assembly, That* whensoever any flag vessel from the enemy, shall arrive within this commonwealth, immediate notice thereof shall be given by the officer commanding at the port or place to the governor, who shall thereupon, with advice of council, appoint some discreet civil or military officer superintendant at the said port or place of such flag, without whose express permission in writing, expressing the nature of the business, and length of time granted for transacting the same, it shall not be lawful for any person to go on board of, or land on shore from, any such flag vessel, and no such permission shall be granted but for public business only. And if any person shall presume to offend herein, he or she, if a citizen, shall forfeit and pay two hundred pounds, to be recovered with costs, by information, in

Penalty on
citizens for
breach.

any court of record, to the use of the informer, and shall moreover suffer three months imprisonment, without bail or mainprize; but if such person be a British subject, he or she is declared and deemed a prisoner of war, and shall, by warrant from any justice of the county or borough, be committed to jail, there to remain without bail or mainprize, until the governor and council shall take order for the exchange, or return of such person to some British port. *Provided always,* That pilots bona fide engaged in discharge of their office, and remaining on board only during the same, and also persons obtaining written passports from the governor and council, shall not be subject to the penalties of this act, while acting in conformity to the express letter of such passport.

British subjects declared prisoners of war.

Proviso, in favour of pilots.

III. *And be it further enacted,* That it shall not be lawful for any British subject to come within this commonwealth, by land or water, directly or indirectly, from any of the British dominions or garrisons, except in cases of shipwreck, of flag vessels in the manner and under the restrictions herein before recited, and of flags by land coming from an enemy's post in this or any neighbouring state, deputed by due authority; any British subject offending herein is declared and deemed a prisoner of war, and shall, by a warrant from any justice of the county or borough, be committed to jail, there to remain without bail or mainprize, until the governor and council shall take order for the exchange or return of him or her to some British port; and in cases of shipwreck, application shall be made, and permission to land and remain on shore, at the port or place nearest to such wreck, be granted by the commissioners appointed by the governor and council, pursuant to an act "Concerning wrecks," which commissioners shall specially report every such case, without delay, to the governor and council for their order therein. Every permission granted by the said commissioners shall be in writing, and shall expressly prohibit the persons therein named from going into the country, or holding any intercourse with the inhabitants, except such as may be immediately necessary for the preservation of the persons and property of those belonging to such wreck. Any commissioner guilty of nonfeasance or malfeasance of office herein, shall for-

British subjects not to be admitted, except in cases of shipwreck.

How apprehended.

Restrictions as to intercourse, in case of shipwreck.

feit and pay fifty pounds, to be recovered by information, in any court of record, with costs, to the use of the informer.

Penalty for administering oath of allegiance to an alien enemy, or British subject.

IV. *And be it further enacted*, That if any person whatsoever shall presume to administer the oath of allegiance or fidelity to an alien enemy or British subject, or to grant a certificate thereof, or to grant any letter or passport to an alien enemy or British subject, or to entertain, harbour, protect, aid, or comfort any such alien enemy, or British subject, not being a prisoner, except in cases made lawful by this or any other act, he or she so offending is declared guilty of a high crime and misdemeanor, and shall be subject to the pains and penalties prescribed by an act, "For the punishment of offences injurious to the independence of America but less than treason."

British subjects coming into this state, contrary to law, declared prisoners of war.

V. *And be it further enacted*, That every person, being a British subject, who shall have come into this state by land or water, directly or indirectly from any of the British dominions or garrisons, since the first day of January, one thousand seven hundred and eighty two, and have not obtained the privileges of citizenship, are declared prisoners of war, and in case they do not within one month after the passing of this act, deliver themselves up to the governor and council, subject to their order and disposal, shall by warrant from any justice of the county or borough be committed to jail, there to remain without bail or mainprize, subject to the order of the executive, who may take order for their immediate exchange or return to some British post.

Copies of this act, how distributed.

VI. *And be it further enacted*, That the governor and council shall cause copies of this act to be published and sent to the British posts or garrisons in America, and to each state in the federal union. *Provided always*, That nothing in this act contained shall be construed to extend to the case of spies, or of persons coming under that description, who shall be proceeded against agreeable to the law military, or of any person or persons deserting from the army or navy of the king of Great-Britain.

Spies to be proceeded against according to the law military.

CHAP. XVIII.

[Chapter
CXIII in o-
riginal.]*An act to establish a town at the court-house in the county of Greenbrier.*

1. *BE it enacted by the General Assembly, That* forty acres of land, whereon the court-house of the county of Greenbrier now stands, be, and the same is hereby vested in Samuel Lewis, James Reid, Samuel Brown, Andrew Donneley, John Stewart, Archer Matthews, William Ward, and Thomas Edgar, gentlemen, trustees, to be by them, or any five of them, laid out into lots of half an acre each, with convenient streets, which shall be, and the same is hereby established a town by the name of Lewisburg. That so soon as the said forty acres of land shall be so laid off into lots and streets, the said trustees, or any five of them, shall proceed to sell the same at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for three months at the court-house of the said county; the purchasers to hold the said lots respectively, subject to the condition of building on each of the said lots a dwelling-house twenty feet by sixteen, with a stone or brick chimney, to be finished fit for habitation within four years from the day of sale; and the said trustees, or any five of them, shall, and they are hereby empowered, to convey the said lots to the purchasers thereof in fee simple, subject to the condition aforesaid, and pay the money arising from the sale thereof to the persons legally entitled to receive the same. The said trustees, or a major part of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and orders for the regular building of houses as to them shall seem best and most convenient. And in case of the death, removal out of the county, or other legal disability, of any of the said trustees, it shall be lawful for the other trustees to elect and choose so many other persons in the room of those dead, removed, or disabled, as shall make up the number, and the trustees so chosen shall be to all intents and purposes vested with the same power and authority as those in this act particularly named.

Town of
Lewisburg
in Greenbri-
er county es-
tablished.Lots, how
disposed of.Conditions,
as to build-
ing.Power of
trustees.Vacancies,
how suppli-
ed.

Privileges of
purchasers.

II. *And be it further enacted*, That the purchasers of the lots in the said town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds, shall be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated by charter, have and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said trustees, or the major part of them, may thereupon enter into such lot, and may sell the same again, and apply the money towards repairing the streets, or in any other manner, for the benefit of the said town.

CHAP. XIX.

[Chap. CXIV
in original.]

[Chan. Rev.
p. 177.]

An act for equalizing the land tax.

Preamble.

I. WHEREAS the land tax, as at present charged by the commissioners of the several counties, is found to be very unequal, and from experience of the past, it is certain that future valuations or assessments (although attended with great expence and delay) will not produce that equality so essentially necessary to the happiness of all the good citizens of this commonwealth: And whereas, by arranging the several counties whose soil and situation are nearly similar, into districts, a standard value is produced, whereby the accounts of every person within the said district may be justly regulated for all charges on land hereafter to be imposed, and a rule established whereby in future the tax upon landed property may be laid with ease and certainty, and collected with all possible equality: *Be it enacted*, That the counties within this commonwealth shall be laid off into four districts in manner following, that is to say, the counties of Accomack, Northampton, Princess Anne, Norfolk, Nansamond, Isle of Wight, Southampton, Surry, Sussex, Prince George, Dinwiddie, Greensville, Brunswick, Chesterfield, Henrico, Charles City, James City, New Kent, York, Warwick, King

Lands classed
by counties, for e-
qualizing the
land tax.

and Queen, Elizabeth City, Hanover, Gloucester, Middlesex, Essex, King William, Caroline, Spotsylvania, Lancaster, Northumberland, Richmond, Westmoreland, King George, Stafford, Prince William, Goochland, Powhatan, Cumberland, Amelia, and Fairfax, shall compose the first class. The counties of Loudoun, Fauquier, Culpeper, Orange, Louisa, Fluvanna, Lunenburg, Mecklenburg, Prince Edward, Charlotte, Albemarle, Buckingham, Berkeley, Amherst, Campbell, Halifax, Bedford, and Frederick, shall compose the second class. The counties of Pittsylvania, Henry, Botetourt, Shenandoah, Rockingham, Augusta, Rockbridge, and Hampshire, shall compose the third class. And the counties of Washington, Montgomery, Greenbrier, Monongalia, Ohio, Fayette, Jefferson, and Lincoln, the fourth class. And John Pendleton, junior, and Samuel Jones, gentlemen, are hereby appointed to examine the returns made of the valuations of the present year, and to ascertain the average price per acre of all the lands in each county within the districts aforesaid, and (carrying all fractions of a penny to the benefit of the revenue) by comparing the same with the standard or average value of each district herein after declared, shall, and they are hereby empowered, directed, and required, by a just per centage, to apply the difference to the account of every individual within the district, and add to or deduct from the same accordingly. And the said examiners shall, before they proceed on the business aforesaid, take the following oath, *viz*, "I A. B. do solemnly swear that I will to the best of my skill and judgment, ascertain the true average price per acre of the lands within the several counties of this commonwealth, agreeable to the returns made, and by comparing the same to the standard by law established, will make out a just account of the land tax of every person charged in the said returns agreeable to this act, and transmit the same as by law required. So help me God." And each of the said examiners, for their services herein, shall receive from the treasurer of this commonwealth, by warrant from the auditors (which upon receipt of the books herein after mentioned, they are and shall be empowered to grant) the sum of three hundred pounds.

Examiners appointed to regulate the tax by the assessments.

Their oath,

Compensation.

II. *And be it enacted*, That the average or standard of the first district is and shall be ten shillings, the average of each class

Standard tax of each class

Books for
collection,
how made
out, and dis-
posed of.

rate or standard of the second district is and shall be seven shillings and six pence; the average or standard of the third district five shillings and six pence; and the average or standard of the fourth district three shillings. And that the tax upon land thus equalized may be duly collected, the examiners aforesaid are hereby required to make out a book of the accounts of each county, and on or before the first day of May next transmit the same to the commissioners of the tax for each county hereafter to be appointed, who shall grant receipts for the same, and the said county commissioners shall cause a copy of the said book to be delivered to the sheriff, on or before the fifteenth day of the said month, by which the sheriff shall proceed to collect from every person named therein, the sum charged in the said book and no more. And the said examiners are hereby required to make up a separate book, or books, for each class of counties, in which each county shall be separate and distinct, arranging in alphabetical order the charges against every individual in each county, which said books shall be kept in the auditors office.

Commission-
ers of the tax
to be chosen
for 3 years.

III. And to prevent loss and confusion in consequence of alienations of property, as well as that all lands within the several counties which now are vacant and may hereafter be taken up, or which may not have been valued by the county commissioners for the present year, may be charged with a just and proper tax; *Be it enacted*, That the court of each county within this commonwealth shall, at their sessions in the months of March or April, nominate and appoint two fit persons to execute the office of commissioners of the tax within the same, who shall remain in office three years from the time of their appointment, which said commissioners, before they enter upon the duties of their office, shall before the court of the said county, take the following oath, to wit: "I A. B. do solemnly swear (or affirm, as the case may be) that I will diligent enquiry make of all lands within the county, which have not heretofore been valued, and a just valuation thereof make, agreeable to that of other lands of equal quality and situation within the said county; also of all alienations or partitions which may be made, and in all other matters and things discharge the duties of my office agreeable to law, with diligence and impartiali-

Their oath.

ty, to the best of my skill and judgment. So help me God." And in case of the death, refusal, or disability to act, of the said commissioners; or either of them, the county court as aforesaid shall, at any time, appoint others in their place. That it shall be the duty of the said commissioners, in all cases of alienations or partition within their said county, from the time of delivery to the sheriff of the book for collection in any one year, to the same time in the next succeeding year, to go upon the land so alienated or divided, and valuing the same at a price equal to other lands in the said county similar in soil and situation, shall give a credit to the person disposing of the same, and charge the purchaser or receiver with the tax payable thereon, and in like manner in cases where lands have not been heretofore valued, or where lands which now are vacant and may hereafter be taken up, the said county commissioners shall, and they hereby are required to value the same, and charge the owner thereof with the tax in manner aforesaid. And the said county commissioners shall annually, within two months after delivery to the sheriff of the book or list for collection, make return to the auditors office of all alterations in the county book by addition, alienation, or partition as aforesaid, that corresponding entries may be made in the book for each county kept at the said office, and shall make such additions or alterations in the list or book by them to be delivered for the collection of the current year. The said commissioners shall also, and they are hereby required upon application and full proof to them made, to correct all errors which may have been made by the former commissioners, either with respect to the quantity of land or to the ownership thereof, and charge or give credit for the same; and for every entry of alteration or alienation, the said commissioners may demand and receive the sum of five shillings.

Their duty in case of alienations or partitions.

Also, in cases of lands not before valued, or newly patented.

To correct former errors.

IV. And to enable the county commissioners to make full and just valuations and returns as aforesaid, *Be it enacted*, That the clerk of the general court shall, on or before the first day of May in every year, transmit, and the clerk of the county court deliver, to the said commissioners, a list of all conveyances or partitions within the preceding year in the respective courts admitted to record, certifying the quantity and situation

Lists of conveyances & partitions to be furnished to county commissioners.

of the land so conveyed, & if the purchaser or seller shall not before the said first day of May, have satisfied the said commissioners as to the just value of the land, the same shall be charged as land of the best quality in the said county; and in cases of land which may now be vacant, the register of the land-office shall, and he is hereby required to transmit, on or before the first day of April, in the year one thousand seven hundred and eighty-four, to the commissioners of each county, a list of all grants issued from his office, or made out for vacancies within the said county, since the first day of January last, and in like manner before the first day of April in each succeeding year, of all grants issued or made out within the year preceding, to be by them valued and charged as aforesaid, for which valuation they shall be paid by the public, at the rate of two shillings and six pence for every hundred acres contained in the said grant; and in cases of partition, by will or inheritance, the same fee may be demanded from the person entitled to such partition as where the same is done by conveyance.

And lists of
all patents.

Certain ali-
enations and
partitions to
be valued.

Allowances
to county
commission-
ers.

Penalties on
various offi-
cers, for ne-
glect of du-
ty.

V. And whereas alienations or partitions may have been made since the valuations of the present year, or may be made before the first day of May next; *Be it enacted*, That the said county commissioners shall, and they are hereby authorised and required, to value all such alienations or partitions, and charge the owner with the tax arising from the same, together with the fees, in manner as heretofore is directed; and the said commissioners shall be entitled to receive from the public, the sum of twelve pounds, for copying the book or list annually, to be delivered to the sheriff, and for delivering the same; and the sum of eight pounds for the return to the auditors-office, of such alterations or additions as may annually take place within the county; the fees chargeable to the public shall be paid by the treasurer on the auditors warrants at the time of making the annual return to the auditors-office as aforesaid. The said examiners failing to perform the services by this act required, shall forfeit and pay the sum of two thousand pounds each; the register of the land-office shall forfeit and pay, for every offence, the sum of fifty pounds; the county commissioners for every offence, the sum of two hundred pounds each; the clerk of the general court, or

of the county courts, the sum of fifty pounds each; and the justices of the several counties failing to make the appointments by this act required, shall forfeit and pay the sum of fifty pounds each: All which forfeitures shall be one half to the informer, the other half to the use of the county where the offences shall be committed, to be recovered by information, in any court of record, giving ten days previous notice.

VI. *And be it enacted,* That the valuation of lots in the cities, boroughs or towns, shall (except where manifest inequality may have taken place) stand and remain as they now are; and in cases where lots may be added to any city, borough or town, or where new towns may be established, or where alienations or partitions may take place, or where mistakes may have been made in former valuations, the county commissioners aforesaid shall be governed by the same rules and regulations as by this act are established with regard to land in like cases.

Rule is to
lots in town.

VII. *And be it further enacted,* That in case of the death, disability or refusal to act of the examiners appointed by this act, or either of them, it shall be lawful for the governor, with advice of council, to fill up the vacancy occasioned thereby.

Vacancies,
in examiners
how supplied.

CHAP. XX.

An act to secure the estate of Maurice Wheeler to Lettice Wheeler his widow, and four children.

[Chapter
CXV in
original.]

I. *Be it enacted by this present General Assembly,* That the whole estate, both real and personal, of Maurice Wheeler, who was convicted of murder at the session of the general court in October last, and executed accordingly, be, and the same is hereby vested in, Lettice Wheeler his widow, and four children, to be divided

Estate of
Maurice
Wheeler,
convicted of
murder, and
executed,
vested in his
widow and
children.

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ded amongst them agreeable to the act of assembly for the distribution of intestates estates; subject, nevertheless, to the debts of the deceased.

CHAP. XXI.

[Chap. CXVI
in original.]

An act concerning Pensioners.

Pensioners to be examined by county courts, & a state of their condition transmitted to the general assembly.

§ 1. *BE it enacted by the General Assembly, That the courts of the several counties are hereby empowered and required, in the months of April and May next, to enquire into the condition and state of the bodily ability of all pensioners, and persons receiving an annual allowance from the commonwealth in consideration of wounds, and to report their proceedings to the next session of assembly. The county lieutenant, or commanding officer of every county, shall cause this act to be read to the militia at the general musters next after the passing of this act. All pensioners, or others, receiving such annual allowances, failing to attend, or in case of inability to represent by good proof to the said courts, a true state of their bodily ability as aforesaid, shall forfeit such pensions or allowances. The commanding officer, and the justices of every county, failing to perform their duty herein, shall each forfeit and pay the sum of fifty pounds, to be recovered with costs, by information, in any court of record, to the use of the informer.*

CHAP. XXII.

[[Ch CXVII
in original]*An act to sell certain lands belonging to the estate of William Kennon, deceased, for the benefit of his children.*

I. WHEREAS it is represented to this present general assembly, that William Kennon, being in his lifetime seized in fee of about two thousand two hundred acres of land, lying in the county of Charles City, and dying so seized, leaving several daughters to whom the said lands descended as coheiresses: And whereas it is represented that the said daughters have not any slaves to work the said lands, and that the rents arising therefrom are not sufficient to support and maintain those daughters under age, and that it would be greatly for their benefit if the said lands were sold; and application being made for that purpose, as well by the daughters who are of age, as the guardians of those under age:

Certain lands belonging to the estate of William Kennon deceased, to be sold for the benefit of his children.

II. *Be it therefore enacted by the General Assembly,* That the said tract of land of which the said William Kennon died seized, in the said county of Charles City, containing about two thousand two hundred acres, be, and the same is hereby vested in, John Tyler, William Randolph, and Benjamin Harrison (of Brandon) gentlemen, trustees, to be by them, or any two of them, sold at public auction, in such parcels or lots as they may judge best; the time and place of which sale, to be previously advertised in the Virginia Gazette two months. And the said trustees, or any two of them, are hereby empowered to convey the said lands to the purchaser, or purchasers, in fee simple; who shall thenceforth hold and enjoy the same, free from the claim of the daughters of the said William Kennon, or either of them, or their heirs, forever. And the said trustees, or any two of them, shall render an account of the sales of the said lands to the county court of Charles City, to be there recorded. And the money arising from such sales shall be paid in equal proportions, after deducting the expences of the sale, to those who are of age, and to the guardians of those who are under age,

to be by them placed out to interest, on good and sufficient landed security, to be approved of by the court of the said county of Charles City. Saving to all persons and bodies politic or corporate, their heirs or successors, other than the daughters of the said William Kennon, or those claiming under them, all such right or title as they, or any of them, would have had in or to the said lands, had this act never been made.

[Ch. CXVIII
in original.]

CHAP. XXIII.

An act to vest certain escheatable property in the children of William Short, deceased.

Slaves of which Geo. Kerr died possessed, & supposed to be escheated to the commonwealth, vested in the children of William Short, dec'd, by the daughter of the said Kerr.

I. WHEREAS it hath been represented to this present general assembly, that a certain George Kerr died intestate, possessed of several slaves, leaving two sons and one daughter, which said daughter hath since intermarried with William Short, esq; of Surry county, and one of the said sons died also intestate, soon after the death of his said father, and before any appraisement or division of the said slaves took place, whereby, and by the laws of this commonwealth, the said slaves became vested in the heir at law of the said George Kerr, he being subject only to the payment of a proportion of their appraised value to his sister, the wife of the said William Short; and the said heir at law having, previous to the commencement of this war, removed himself from this commonwealth, before any division or appraisement of the said slaves, to some part of the British dominions, and not having since returned, the said slaves have become escheatable to this commonwealth; and the said William Short is lately dead, and by his last will and testament hath devised, that the said negroes shall be equally divided among all his children; his wife, the daughter of the said George Kerr, being also dead:

II. *Be it therefore enacted*, That the said slaves, whereof the said George Kerr died possessed, shall be, and the same are hereby declared to be vested in, the children of the said William Short, deceased, according to the form and effect of his said last will and testament, one moiety whereof being nevertheless subject to the claim of the heir at law of the said George Kerr, if it shall be found that he was not a British subject within the meaning of the act "Concerning escheats and forfeitures from British subjects," since the commencement of the present war.

CHAP. XXIV.

Chap. CXIX
in original.

*An act concerning the titles of settlers
on lands surveyed for sundry com-
panies.*

Chan. Rev.
pa. 179.

I. WHEREAS by the act of assembly intituled, "An act for adjusting and settling the titles of claimers to unpatented lands, under the present and former government, previous to the establishment of the commonwealth's land office," the title of settlers on land surveyed for sundry companies by orders of council, were to be adjudged by certain commissioners appointed for that purpose; and that if the parties, their heirs or assigns, to whom such titles shall be adjudged, shall not within six months at farthest, from the time of their respective judgments in their favour, pay or tender to the company to whom the same is due, or their agent, the price and interest so fixed by the commissioners, the title of every person so failing, shall be forfeited, and to all intents and purposes, null and void.

Preamble,
reciting provisions of act
of May 1779,
ch. 12, in fa-
vour of set-
tlers on
lands, sur-
veyed for
sundry com-
panies.

II. And whereas it is represented to this present general assembly, that from the great scarcity of specie, the persons to whom such titles have been adjudged, have not been able to pay the price of their lands and interest within the time limited by the said act:

Former act,
declaring
forfeiture of
land on non-
payment, re-
pealed.

Further time
allowed to
pay their
money.

Forfeiture,
on non-pay-
ment.

Be it therefore enacted, That so much of the said recited act, as respects the forfeiture of the titles of settlers on lands surveyed for any company, shall be, and the same is hereby repealed; and the time limited as above for the settlers to pay the price of their lands, shall be and hereby is prolonged for twelve months, at the end of which time, the said settlers shall be liable to pay the principal and interest due for their lands, upon good and sufficient titles being tendered or made to them; and on failure of such payment, the said land shall be forfeited and revert to the grantees.

CHAP. XXV.

[Chapter
CXX in ori-
ginal.]

*An act to confirm the sale of certain
lots and land made by Andrew
Wodrow, administrator of Alexan-
der Wodrow, deceased, and for o-
ther purposes.*

Sales of two
lots in Fal-
mouth, & a
tract of land
in Stafford,
made by An-
drew Wod-
row, admin-
istrator of A-
lexander
Wodrow,
confirmed.

I. WHEREAS Alexander Wodrow, in, and by his last will and testament, bearing date the thirty-first day of October, one thousand seven hundred and seventy-one, among other things directed that his executors should dispose of his whole estate, both real and personal, except his wearing cloaths and riding horse, and from the sales thereof to pay, in the first place, his just debts, and the residue to apply as in the said will is particularly directed: And whereas it is represented to this present assembly, that the executors named in the will of the said Alexander Wodrow, severally refused to take upon them the execution thereof, whereupon administration with the will annexed, was in due form granted to Andrew Wodrow, who hath since sold the personal estate, and also a moiety of two lots in the town of Falmouth, and a tract of land containing two hundred and twelve acres, lying on Rappahannock river, in the county of Stafford, belonging to the said Alexander Wodrow, deceased, and hath applied the money arising from such sales, towards the payment

of his debts: And whereas the said Andrew Wodrow not being authorized to make conveyances to the purchaser or purchasers of the said lots and land, hath made application to the assembly to pass an act to enable him to do so:

II. *Be it therefore enacted*, That the said Andrew Wodrow shall, and he is hereby authorized and empowered to, execute one or more deed or deeds, for conveying the said lots and land, so as aforesaid sold, to the purchaser or purchasers in fee. Saving to all persons, bodies politic and corporate, other than those claiming under the will of the said Alexander Wodrow, all such right, title, and interest, which they, or any of them, could or might have to the said lots and land had this act never been made. And whereas the said Alexander Wodrow died seized of other lots and lands which by his said will were directed to be sold, and the money arising therefrom to be applied to the payment of his debts, and the residue to be paid, in certain proportions, to persons residing in Great-Britain, and it is judged expedient that the said lands should remain subject to the future direction and disposition of the general assembly:

Other lands of Alexander Wodrow remaining unsold, subject to future direction of general assembly.

III. *Be it therefore enacted*, That the said lots and lands of the said Alexander Wodrow, deceased, so remaining unsold, shall be, and the same are hereby vested in, the said Andrew Wodrow, subject, nevertheless, to the future direction of the general assembly.

CHAP. XXVI.

[Ch. CXXI in original.]

An act to vest the capitol square, with the buildings thereon, in the city of Williamsburg, in the mayor, recorder, aldermen, and common council of the said city.

I. WHEREAS it hath been represented to this present general assembly, that the public lands, with the buildings thereon, in the city of Williamsburg, com-
Capitol square and buildings in Williamsburg.

burg, vested in the corporation, for 10 years, for a grammar school.

monly called the capitol square, may be usefully employed as a residence for a grammar master, and as a place fit for the tuition and instruction of youth:

Except the room for the court of admiralty.

II. *Be it therefore enacted*, That the said lands and the buildings thereon, shall be, and the same are hereby vested in the mayor, recorder, aldermen and common council of the city of Williamsburg, for the term of ten years, and from thence to the end of the next session of assembly, for the purpose of accommodating a grammar master,, and fitting it for the education and instruction of youth, except the room commonly used for the court of admiralty to hold their sessions in, which is still reserved for the public use hereby.

[Ch. CXXII
in original.]

CHAP. XXVII.

An act granting pardon to Demsey Butler.

Pardon granted to Demsey Butler, convicted of treason, in consequence of a pardon having been promised him by col. Josiah Parker.

I. WHEREAS Demsey Butler, being under sentence of death, and to remain in the public jail until the next session of assembly:

II. *Be it enacted by the General Assembly*, That the said Demsey Butler, convicted of treason by judgment of the general court, at their session in October last, is hereby pardoned and exonerated from the penalties of the said judgment, in consequence of a promise of pardon granted him by colonel Josiah Parker, in July one thousand seven hundred and eighty-one, who at that time commanded the militia on the south side of James river.

CHAP. XXVIII.

Ch. CXXIII
in original.

*An act to authorize the adjournment
of the courts of Henrico and of the
city of Richmond, in certain cases,
and for other purposes.*

I. WHEREAS the courthouse of the county of Henrico, in the city of Richmond, hath been appropriated by the directors of the public buildings, agreeable to the act "For the removal of the seat of government," to the holding of the sessions of the superior courts, and the several periods affixed by law for holding the said sessions, are found to interfere with the monthly sessions of the county and corporation courts, and otherwise to produce delay and inconvenience in the business of the said county and city:

Preamble,
reciting the
occupation
of the court-
house, in
Richmond,
by the supe-
rior courts.

It. Be it therefore enacted by the General Assembly, That the respective courts of the county and city shall, at the first, or any succeeding court, after the passing of this act, ascertain on what court days throughout the year, the sessions of the said superior courts will interfere with their respective sessions, and thereupon, by order entered of record, direct public notice to be given in the said city and county of the same, and that their sessions on the said days respectively will be held in such place, within the said city, as the said courts may appoint and adjourn to, and shall be in such order particularly named. *Provided*, That the said courts respectively shall, in no case have or exercise such power of adjournment, except where the periods fixed by law, for holding the sessions of the superior courts, shall actually happen on the days appointed for the holding of their respective courts. And whereas the court-house of the county of Chesterfield, was burnt by the enemy, at a time when the executive council was obliged to remove to the frontiers of this state, and all business with them suspended for a considerable time; but the affairs of the county making it indispensably necessary that the justices of the said county should meet, to do the duty of their appointment, they were under the necessity of transacting such business in a house as nigh to their usual place of meeting as they

Co urts of
Henric and
city of Rich-
mond autho-
rized to ad-
journ their
courts tova-
days when
the court-
house will
not be occu-
pied by the
sup. courts.

could procure, and doubts may arise whether they could hold a court in any other place but where they had been accustomed to sit.

Proceedings of the court of Chesterfield, had in a house contiguous to the court-house, lately burnt by the enemy, confirmed.

III. *Be it enacted*, That all proceedings of the said court shall be as valid, and have the same effect, as they would, or might have had, if the said courts had sit in the house formerly made use of for holding courts, and that it shall and may be lawful for the said justices to continue to hold their courts in the same place, or any adjoining place, until their court-house shall be re-built, and then to remove their session into it.

CHAP. XXIX.

Ch. CXXIV
in original.

An act concerning John Younghusband.

I. WHEREAS it is represented that John Younghusband, a native of Great-Britain, manifested at an early period of the present war, a firm attachment to the cause of the United States of America, and treated some of the citizens of this commonwealth, while in captivity and distress, with hospitality and friendship; and he hath petitioned this assembly for permission to reside in, and become a citizen of this state;

II. Be it therefore enacted by the General Assembly, That the said John Younghusband shall, upon taking the oaths of allegiance and fidelity to the commonwealth, be entitled to, and have and enjoy the same privileges, immunities, and advantages, as the other citizens of this state.

John Younghusband, a native of G. Britain, having evinced an early attachment to the cause of the United States, and treated some citizens of this commonwealth, while in captivity and distress, with hospitality and friendship permitted to return and become a citizen.

CHAP. XXX.

Ch. CXXV
in original.

An act to suspend in part the operation of the laws "Concerning escheats and forfeitures from British subjects."

I. WHEREAS it is represented to this general assembly, that James Buchanan, late of the town of Falmouth, in the county of Stafford, merchant, was seized in fee simple of and in two improved lots in the said town; that in the year one thousand seven hundred and seventy-seven, the said James Buchanan died intestate, and without issue, his heir at law being a subject of Great-Britain, whereby the said lots became escheatable to the commonwealth; that Anne Buchanan, the widow of the said James Buchanan, was at the time of his death, and yet continues in a very infirm state, both of body and mind, and that the administration of the said James Buchanan's estate was granted by the court of the said county of Stafford, to Mr. Isaac Hite of Frederick county, who has proceeded in part to execute the trust committed to him, but not having made a final settlement of his accounts, it remains uncertain whether the personal estate of the deceased, will be sufficient to pay his debts; and it being reasonable that the widow should be supported out of the estate of her deceased husband, and that his just debts should be paid:

Lots of Jas. Buchanan, in Falmouth, vested in Isaac Hite, for the use of Anne Buchanan, his widow.

II. Be it enacted, That the several laws concerning escheats and forfeitures from British subjects, so far as the same respect the said lots, shall be suspended during the life of the said Anne Buchanan; and that the said lots shall be vested in the said Isaac Hite and his heirs, for the use of the said Anne Buchanan, during her life. *Provided always,* That the said Isaac Hite or his heirs, shall be authorized and empowered, in case the personal estate of the said James Buchanan shall prove insufficient to pay his debts, to sell so much of the said lots as shall be sufficient for that purpose, and to convey the same to the purchaser or purchasers thereof, in fee simple; saving to all persons, bodies politic and corporate (other than this common-

Lots may be sold, if personal estate insufficient for payment of debts.

wealth, or the heirs of the said James Buchanan, (being British subjects) all their right and title to the said lots, and to every part of them.

CHAP. XXXI.

[Chapter
CXCVI in
original.]

An act for giving certain powers to the corporation of the city of Richmond, and for other purposes.

Two additional aldermen, for city of Richmond how elected. Six aldermen to be elected at triennial elections

Court of hustings of Richmond & Alexandria, declared courts of record.

Restriction as to proof of wills and deeds.

Common seal of Richmond and Alexandria, how affixed, & its authenticity.

I. *BE it enacted by the General Assembly*, That it shall and may be lawful, and the mayor, recorder, and aldermen, of the city of Richmond, are hereby required to elect, by ballot, two of the common councilmen of the said city, to the office of aldermen; who upon taking an oath or affirmation before the court, for the faithful discharge thereof, shall have the same powers and authority as those already elected to that office. That in all triennial elections, as directed by the act "For incorporating the town of Richmond," there shall be elected six aldermen. The court of hustings in the city of Richmond, and court of hustings in the town of Alexandria, shall be, and are hereby constituted, courts of record, and as such to receive probate of wills and deeds, and grant administrations, in as full and ample manner as the county courts by law can, or may do.

II. *Provided always, and be it further enacted*, That no will shall be admitted to proof or record in the said courts, nor shall the said courts grant administration, unless the testator, or intestate, as the case may be, was resident within the limits of the jurisdiction of the said courts at the time of his or her death; nor shall any deed, whereby lands are conveyed, be admitted to proof or record in the said courts, unless such lands lie within the limits as aforesaid.

III. *And be it further enacted*, That the mayor and commonalty of the said city and town respectively, are hereby authorized to affix their common seal to all transactions, and that due faith and credence shall

thereupon be given and paid to the same. That the powers given by law, to the directors of the public buildings in the said city, for improving the navigation of James river, and turning Shockoe creek into its old channel, by subscription, shall be, and the same are hereby, transferred to, and vested in, the corporation.

IV. *And be it further enacted*, That it shall and may be lawful for the said corporation to raise, by way of lottery, such a sum of money as they may think adequate to the expence of erecting a stone bridge over Shockoe creek.

V. *And be it further enacted*, That the corporation in the borough of Norfolk shall, and they are hereby empowered to, make the following alterations in the streets of the said borough, that is to say; the Main street from town point to Hutchings's to be widened five feet on each side thereof, Market street to be continued from the county wharf to the creek, Catharine street to be widened five feet on each side thereof, Church street to be continued in a direct line with the southern wall of the church-yard, down to the river, and be sixty feet wide, and that Water street run in a direct line from the west side of town point wharf to the eastward of John Hutchings's wharf. And to prevent disputes which may arise, touching the limits of the said borough upon the river.

VI. *Be it further enacted*, That the said limits shall be bounded as followeth, to wit: Beginning at the north-west corner of town point wharf, running the course of the said wharf south, sixty-eight degrees east, to north-west corner of Jameson's wharf; thence south seventy-two degrees east, to Maximilian Calvert's wharf; thence south seventy-five degrees east, to north-west corner of Hutchings's wharf; thence south eighty degrees east, to the east corner of the said wharf.

VII. *And be it further enacted*; That the mayor, recorder, and aldermen of the said borough, shall cause the damage or injury which any person or persons may sustain by having their lands taken for the purposes of widening and extending the said streets, to be ascertained by good and lawful men upon oath, and to assess the property in the said borough to the amount of such damage or injury, to be paid to the persons entitled thereto. *Provided always*, That the said corporation shall not remove or cause to be removed, any

Powers of directors of public buildings, to improve navigation of Shockoe creek, transferred to corporation of Richmond. Lottery authorised.

Corporation of Norfolk authorised to make certain alterations in Main street, Market street, Catharine street, and Church street.

Limits of borough of Norfolk defined.

Damages to individuals in borough of Norfolk, by alterations in streets, how estimated & paid.

Jurisdiction
of court of
hustings of
Norfolk in
criminal ca-
ses.

Certain lots
of Thomas
Edmondson,
annexed to
town of Win-
chester.

Court day of
hustings
court of A.
lexandria al-
tered.

houses or parts of houses for widening and extending the said streets, before the first day of May, one thousand seven hundred and ninety: That the court of hustings in the said borough shall have jurisdiction of all criminal cases arising within the said borough, in as full and ample manner as the county courts.

VIII. *And be it further enacted*, That five acres of land adjoining the borough of Winchester, the property of Thomas Edmondson, shall be, and the same are hereby annexed to the said borough, and shall be laid off into lots of half an acre each, and sold and conveyed by the said Thomas Edmondson, subject to the rules, orders, regulations and laws of the corporation of the town of Winchester.

IX. And whereas the day appointed for holding a court of hustings in the town of Alexandria, is found inconvenient to persons attending the said court;

X. *Be it therefore enacted*, That from and after the first day of February next, a court of hustings shall be held in the said town on the Thursday next after the third Monday in every month. So much of all and every act or acts as is contrary to, or within the purview of this act, is hereby repealed.



[Chapter
CXXVII in
original]

CHAP. XXXII.

An act to appoint persons to convey certain lands to Edwin Gray, and for other purposes.

Certain per-
sons appoint-
ed to convey
land to Ed-
win Gray,
purchased at
a sale of the
lands of the
Nottoway In-
dians.

I. WHEREAS by an act of general assembly, passed under the former government, trustees were appointed and empowered, together with the Nottoway Indian chiefs, to sell and convey all the lands belonging to that tribe of Indians, lying on the north side of Nottoway river. That at a sale of the said lands Edwin Gray became the purchaser of thirty acres, which remained after laying off a certain number of lots, and for which no conveyance was executed before the death of the trustees. And the said Edwin Gray hath made

application to this assembly to pass an act, appointing persons, in the room of the trustees so dead, to execute a conveyance for the said thirty acres of land.

II. *Be it therefore enacted*, That John Thomas Blow, Henry Westbrobke, and Thomas Edmunds, or any two of them, shall, and they are hereby authorized and required, together with the surviving Indian chiefs of the Nottoway tribe, to execute a deed of conveyance for the said thirty acres of land, to the said Edwin Gray, in fee. And wheteas by one other act of assembly, passed under the former government, persons were appointed to lease certain lands belonging to the said Indians, and to receive and lay out the rents arising therefrom, for the benefit of the said Indians: And it being represented that all, or the major part of the said trustees, are dead, and that it is necessary to appoint others:

III. *Be it therefore enacted*, That the said John Thomas Blow, Henry Westbrooke, and Thomas Edmunds, shall be, and they are hereby appointed, trustees also for receiving annually the said rents, and laying out the same, for the benefit of the said Indians. That upon the death of any of the said trustees, the court of the said county of Southampton shall have power, and they are hereby required to appoint others, who shall have the same powers, in collecting and laying out the said rents, as those particularly named in this act.

Additional
trustees ap-
pointed to
lease out
lands of Not-
toway Indi-
ans.

CHAP. XXXIII.

*An act concerning surveyors, letting
the next county surveyor survey
when the county-one cannot be had.*

[Chap.
CXXVIII in
original.]

[Chas. Rev.
p. 179.]

I. WHEREAS by the laws of this commonwealth, **Preamble.**
no entry for vacant and unappropriated lands can be
made with any person except the principal surveyor
of the county in which such vacant and unappropriated
land lies, and in many of the counties on the east-

Surveyors on eastern waters may be non-residents.

Entries may be made with clerk, where no surveyor.

How surveyed.

Principal surveyor may appoint a deputy.

Entries in the Northern Neck, how made.

ern waters great inconveniences have arisen from having no surveyor, nor any person residing within the county willing to undertake the said office: *Be it therefore enacted*, That where the court of any county on the eastern waters shall recommend any person, ~~not~~ resident in their county, to the governor and council, who shall be found qualified by the president and masters of William and Mary college, to execute the office of surveyor, the governor may, and he is hereby authorized to, commission such person in the same manner as if he was actually resident within the county from which such recommendation came; and when thus commissioned as surveyor, such person may and shall act and do in all respects as the surveyor of such county. And where any person shall hold a warrant from the land office, or be desirous to make an entry in any county on the said eastern waters for vacant and unappropriated land, and there shall be no surveyor qualified to act in such county, then it shall and may be lawful for such person to make such entry with the clerk of the county court, and the same surveyed by any legal surveyor of the next or neighbouring county, shall be good and sufficient to enable such person to obtain a patent or grant therefor.

II. *And be it further enacted*, That it shall and may be lawful for the principal surveyor of any county within this commonwealth, to appoint one deputy, for whose conduct the principal shall be answerable; who shall, in the absence or indisposition of such principal, keep the office, and transact the business of the same, in the same manner as ~~such~~ principal surveyor might have done.

III. And whereas the death of the right honorable Thomas Lord Fairfax, may occasion great inconvenience to those who may incline to make entries for vacant lands in the Northern Neck: *Be it therefore further enacted*, That all entries made with the surveyors of the counties within the Northern Neck, and returned to the office formerly kept by the said Thomas Lord Fairfax, shall be held, deemed, and taken, as good and valid in law as those heretofore made under the direction of the said Thomas Lord Fairfax, until some mode shall be taken up and adopted by the general assembly concerning the territory of the Northern Neck.

CHAP. XXXV.

CH. XLV.
in original.

*An act to amend the act for defend-
ing and protecting the trade of
Chesapeake bay.*

Chas. Rev.
pa. 180.Sec May,
1782, ch. 23.

I. BE it enacted by the General Assembly, That the commissioners appointed under the act for defending and protecting the trade of Chesapeake bay, shall, and they are hereby empowered and required, to sell and dispose of the ship *Cormorant*, with her appurtenances, in such manner and upon such conditions, as they may judge best, and the money arising therefrom, to be by the said commissioners applied towards building and fitting out other vessels more proper for the defence of the trade of the said bay.

Sale of ship
Cormorant,
directed.

II. And be it further enacted, That the several and respective naval officers within this commonwealth, shall receive from each captain or commander of any vessel at the time of their entrance or clearance, one shilling for every seaman and mariner on board his vessel, an account of which each and every captain is hereby required to render upon oath, and pay to such naval officer, before he shall be permitted to clear or enter his vessel, to be accounted for and paid by the said naval officers in like manner and under the same penalties and forfeitures as is directed and prescribed in the case of other duties; and that the money arising from the duty aforesaid, shall be applied towards building and supporting an hospital for disabled seamen and mariners.

Tax on sea-
men and ma-
riners.For an hos-
pital.

III. And to the end that the officers, seamen, and mariners, may be punctually paid their wages, Be it enacted, That the said commissioners shall fix certain days and a particular place for paying the said wages once in three months, at which time and place the same shall be paid to each respective officer, seaman, and mariner. In case any officer, seaman, or mariner, shall fail to attend as aforesaid to receive his wages, the same shall be paid whenever afterwards demanded. If any officer, seaman, or mariner, be killed in action with the enemy, his widow and children shall receive the wages due at the time of his death, And that all

Wages of
seamen, how
to be paid.

Land bounty
to officers,
seamen, and
marines.

officers, seamen, and mariners, or their representatives, shall be entitled to the same bounty in lands and other emoluments as the officers and soldiers of the Virginia line on continental establishment.

Their fitness
to be enquir-
ed into.

IV: *And be it further enacted*, That the executive shall direct a court to be held to consist of not less than three experienced officers in the naval department, for the purpose of enquiring into the abilities and fitness of the several officers belonging to the navy, and the said court shall certify their proceedings to the executive, who are empowered and required to discharge such of the said officers as shall appear expedient to them; and the governor with advice of council shall have power to commission, on recommendation from the commissioners, any other officers that may be judged necessary and proper.

~~XXXXXXXXXX~~

Ch. CXXVIII
in original.

CHAP. XXXV.

An act to repeal part of the act for seizure and condemnation of British goods found on land.

Act for sei-
zure & con-
demnation
of British
goods found
on land, to
go into im-
mediate
operation.

I. WHEREAS an act passed the last session of assembly for the seizure and condemnation of British goods found on land, but the operation thereof was suspended until the other states of the Union should pass similar laws, which suspension has been found productive of a ruinous and shameful clandestine trade with the enemies of this commonwealth, to the destruction of fair and open commerce: In remedy whereof,

II. *Be it enacted*, That from and after the first day of April next, the said recited act shall be held and deemed to be in full and absolute force, any thing therein contained to the contrary notwithstanding.

CHAP. XXXVI.

Ch. CXXIX
in original.

An act for the better collecting the fees due, or to become due. to the clerks of the superior courts.

Chas. Rev.
p. 180.]

See ch. 48.

I. FOR the better collecting and paying the fees which are now due, or may hereafter become due, to the clerks of the court of appeals, high court of chancery, and general court, *Be it enacted*, That the clerk of each of the said courts shall annually before the first day of May, deliver, or cause to be delivered, to the sheriff of every county within this commonwealth, their accounts of fees due from any person residing therein, which shall be signed by the said clerks.— And the sheriff is hereby empowered and required to receive such accounts, and to collect, levy, and receive, the several quantities of tobacco therein charged, of the persons chargeable therewith; and if such person or persons, after the said fees shall be demanded, shall refuse or delay to pay the same until after the first day of July in any year, the sheriff of that county wherein such person inhabits, shall have full power, and he is hereby required, to make distress and sale of the slaves or goods and chattels of the party so refusing or delaying payment. That the sheriff of every county shall, on or before the fifteenth day of September in every year, account with each of the said clerks for all fees put into his hands pursuant to this act, and pay the same to them at their offices in Richmond, or in such other place as the treasury may be kept in at the time of the payment, abating ten per cent for collecting. And if any sheriff shall refuse or neglect to account or pay the whole account of fees put into his hands after the deduction aforesaid is made, together with an allowance of what is charged to persons not dwelling, or having no visible estate, in his county, of which insolvencies an account shall be made out upon oath; it shall and may be lawful for each of the said clerks, upon a motion made to the next succeeding general court, on the twentieth day thereof, to demand judgment against such sheriff, for all fees wherewith he shall be chargeable by virtue of

When the accounts of fees to be delivered by clerks of superior courts.

When to be collected.

When to be accounted for.

Commissions for collections.

Remedy against.

this act; and such court, without any other notice being given of such motion than is given by this act, is hereby authorized and required to give judgment accordingly, in which no attorney's fees shall be taxed, and thereupon to award execution, upon which the clerk shall endorse "that no security is to be taken;" and upon such motion, which the said court may, if they see cause, continue to any other day of the court, or until the next court, the sheriff's receipt given for the said fees shall be admitted as full and complete evidence of the amount thereof put into his hands to collect.

Repealing
clause.

II. *And be it further enacted, That so much of all and every act or acts of assembly as comes within the purview of this act, be, and the same is hereby repealed.*



[Ch. CXXX
in original.]

CHAP. XXXVII.

An act for incorporating the rector and trustees of Liberty Hall Academy.

Liberty Hall
Academy in
the county
of Rock-
bridge in-
corporated.

I. WHEREAS it is represented to this present assembly, that a seminary is formed in the county of Rockbridge, and that it will greatly promote the purposes of its institution to incorporate the same with certain privileges; and the general assembly being ever disposed to give aid and encouragement to seminaries of learning, do enact, That the said academy shall be, and the same is hereby stiled Liberty Hall Academy. That the reverend William Graham, rector, Arthur Campbell, William Christian, Andrew Moore, William Alexander, Joseph Walker, Alexander Campbell, John Wilson, John Trimble, John Hays, John Bowyer, Samuel M'Dowell, George Moffett, William M'Kee, James M'Cockle, Samuel Lyle, Archibald Stewart, the reverend Caleb Wallace, John Montgomery and

William Wilson, and their successors, are hereby constituted a body politic and corporate, by the name of *Style of corporation.* the rector and trustees of Liberty Hall Academy; and by that name shall have perpetual succession and a common seal. And that they and their successors, by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors forever, any lands, tenements, rents, goods or chattels of what kind soever, which shall be given to, or purchased by them, for the use of the said academy; and the same to sell, grant, demise, alien, or dispose of, in such manner as to them may appear most for the advantage of the said academy: And by the same name to sue and implead, be sued and impleaded, answer and be answered in all courts of law or equity, and from time to time, under their common seal, to make and establish such bye-laws, rules and ordinances, not contrary to the constitution or laws of this commonwealth, as by them shall be thought necessary for the good order and government of the professors, masters and students of the said academy: That the said rector and trustees, or any six of them, are hereby authorized and required to meet at the said academy, on some day to be appointed by the rector, before the first day of March next, and then and there elect and commission, under their common seal, such number of professors, masters and tutors as they may think necessary for the instruction of the students, and the same to remove for good cause shewn; provided that no professor, master or tutor shall be admissible without first taking the oath of fidelity to the commonwealth; and annually to grant to such students, as in their opinion merit the same, testimonials under the common seal, and signed by the rector and three of the trustees at least, reciting their literary degrees. *Degrees conferred.* The rector and trustees, or a majority of them, shall elect by ballot, a treasurer for the said academy, who shall give bond and security for the faithful discharge of his office and the trust reposed in him; and shall, when required by the said corporation, render an account of all monies, goods and other chattels, received or expended on account of and for the use of the said academy; and on failure or refusal, shall be subject to the like proceedings as is prescribed by law *Treasurer.*

Corporate powers.

Professors, masters and tutors.

Degrees conferred.

Treasurer.

in the case of sheriffs failing to account for and pay the public taxes. The said trustees, or a majority of them, are hereby empowered, upon good cause to them shewn, to remove or suspend the rector, and supply such vacancy. Upon the death, resignation or refusal to act, of the rector or any of the said trustees, it shall be lawful for the remaining trustees, or a majority of them, to supply such vacancies; and the rector and trustees so elected, shall have the same powers and authority as those particularly named in this act. The rector, with the advice of three of the trustees, shall have power to call a meeting of the trustees. The rector and trustees, before they enter upon the execution of the trust reposed in them by this act, shall severally take the following oath or affirmation, to be administered by a justice of the peace of the said county of Rockbridge, and by him certified to the court of the said county, there to be recorded, that is to say, "I A. B. do swear (or affirm) that I will to the best of my skill and judgment, faithfully and truly discharge the duties required of me by an act, intituled, 'An act for incorporating the rector and trustees of Liberty Hall Academy,' without favor, affection, or partiality. So help me God."

Oath of officers,

Professors and students in that, and in all other seminaries, and public schools, exempted from military duty.

II. *And be it further enacted*, That the rector, professors, masters and tutors, duly elected for, and bona fide acting as such in the said academy, and in all other seminaries and public schools, and also all students thereof, under the age of twenty-one years, shall be, and are hereby exempted from military duty. All property, real and personal, now belonging to the said academy, is hereby transferred to, and vested in the said corporation for the benefit of the said academy.

CHAP. XXXVIII.

(Chapter
CXXXIII in
original)

An act for further continuing and amending the act to make provision for the support and maintenance of idiots, lunatics, and persons of unsound minds.

[Chan. Rev.
p. 181.]

I. WHEREAS the act of general assembly passed in the year of our Lord one thousand seven hundred and seventy-nine, intituled, "An act to make provision for the support and maintenance of idiots, lunatics, and persons of unsound minds," which hath been continued and amended by several subsequent acts, will expire at the end of the present session of assembly, and it is expedient and necessary to continue and amend the same: *Be it therefore enacted*, That the said act shall continue and be in force from and after the present session of assembly, for and during the term of ten years, and from thence to the end of the next session of assembly.

* Should be
1769, see
vol. 8, p. 378Act concern-
ing idiots &
lunatics fur-
ther contin-
ued.

II. And whereas great inconveniencies have arisen from the want of proper funds to support the hospital established for the purpose of providing for such unfortunate persons; *Be it enacted*, That the treasurer for the time being, upon the governor's warrant to the court of directors, is hereby empowered and required to pay annually, out of the treasury, such sum or sums of money as shall be by law appropriated for the repairing the said hospital, the payment of salaries to the keeper and matrons, and also to the nurses, guards, physicians, or surgeons, that may be employed by the said court of directors, and any additional sum not exceeding twenty-five pounds per annum, for the support and maintenance of each person that shall be confined in the said hospital. And the sheriff, or other officer, conveying such unfortunate persons to the said hospital, agreeable to the directions of the said recited act, shall receive from the treasurer such compensation for his trouble and expences, as to the court of directors shall seem reasonable, to be certified by them to the auditors of public accounts, whereupon a warrant shall

Annual ap-
propriation
to be paid
out of the
treasury.Allowance
to sheriff for
conveying
idiots and
lunatics to
the hospital.

issue to the treasurer for the payment of the same, who is hereby authorized to pay the amount of such warrant to such sheriff, or other officer, out of such money as shall be by law appropriated for that purpose. All and every act or acts, coming within the purview and meaning of this act, shall be, and the same are hereby repeated.

[Chapter
CXXXIV in
original.]

Chas. Rev.
pa. 181.

CHAP. XXXIX.

An act concerning the appointment of sheriffs.

Sheriffs, how
nominated &
commissioned.

To give
bond.

Copy sent
to auditors,
evidence.

I. BE it enacted by the General Assembly, That the court of every county within this commonwealth, shall, annually between the last day of March and the last day of May, nominate to the governor, or chief magistrate for the time being, two persons named in the commission of the peace for their county, one of which persons so nominated shall be commissioned by the governor to execute the office of sheriff of that county, and shall qualify to his commission at the court to be held for the county in November, or if no court shall be then held, or he shall be unable to attend, at the next succeeding court. Every person accepting the commission of sheriff, shall, before his being sworn into or executing his office, enter into bond before the justices of his county court, with good and sufficient security, in the sum of ten thousand pounds, for the true and faithful collecting, accounting for, and paying the taxes imposed by law in his county; which bond every county court is hereby empowered and required to demand, take, and cause to be acknowledged before them in open court, and recorded; and an attested copy thereof shall be transmitted by the clerk, to the auditors of public accounts, at the same time that he delivers to the said auditors a copy of the list of the taxable property in his said county, which shall be admitted as evidence in any suit or proceeding founded thereon. Any person recommended as aforesaid, or ap-

pointed sheriff, refusing to accept and execute such commission to him directed, shall forfeit and pay the sum of fifty pounds, for the use of the county where such refusal shall be; to be recovered with costs, by action of debt or information, in any court of record, except as is excepted in the act, intituled, "An act prescribing the method of appointing sheriffs, and for limiting the time of their continuance in office, and directing their duty therein." So much of the said recited act as comes within the purview of this act is hereby repealed.

Penalty for
refusing of-
fice.

CHAP. XL.

An act to amend the act for calling in and redeeming certain certificates.

[Chapter
CXXXV in
original.]

I. WHEREAS it is represented to this general assembly, that it will be impracticable for the auditors of public accounts to adjust and settle the claims of all persons against this state, agreeable to the directions of an act, intituled, "An act for auditing certain public claims, so as the public creditors may receive warrants for the same, previous to the time appointed by law for collecting the several taxes imposed by an act, intituled, An act for calling in and redeeming certain certificates."

See May
1782, c. 46,
50.

II. *Be it therefore enacted*, That the collection of the taxes imposed by the said act be postponed until the first day of August next; and that where any sheriff hath not given security for collecting and paying the same, the courts of the several counties shall, in or before the month of May next, take bond and security of the sheriff in the manner by the said act directed; and the said sheriff shall, from and after the said first day of August next, collect, receive, distrain for, and pay the taxes by the said act imposed, in his county, under the like rules, regulations, allowances, and penalties, as are prescribed by the said act.

Collection of
taxes post-
poned.

Sheriffs to
give bond,
where not
already
done.

VOL. II.

W

All specie warrants, & militia certificates receivable in taxes.

III. *And be it further enacted*, That all warrants for specie, and certificates for militia service shall be received in payment of the said taxes in the same manner as warrants issued by the auditors of public accounts by virtue of an act, intituled, "An act for adjusting claims for property impressed or taken for public service.

[Chapter CXXXVI in original.]

CHAP. XLI.

An act concerning the legion under the command of colonel Dabney.

I. WHEREAS it is expedient to fill up this state's quota of continental troops as speedily as possible:

Continental army may be recruited by enlistments from colonel Dabney's legion.

Executive may order legion to defence of Western frontiers, or on board armed vessels, if willing to serve

II. *Be it therefore enacted*, That the governor, with the advice of the council, may appoint proper persons to enlist into the continental service, all, or so many of the men composing the legion at present commanded by colonel Dabney, as shall be willing to serve therein for the term of three years, or during the war. *Provided* always, That nothing herein contained shall be construed to prevent the governor, with advice of council, from ordering such part of the said legion who may be willing to do duty on board of the barges or other armed vessels fitted for the defence of the bay, or if it should be thought necessary, to the defence of the western frontier of this commonwealth.

If legion reduced, horses to be sold

III. *And be it further enacted*, That the governor, with the advice of council, is hereby empowered and required, in case the said legion be reduced by enlisting into the continental or other service, to direct the horses of the said legion to be sold, and the money arising therefrom to be paid into the public treasury.

CHAP. XLII.

[Chapter
CXXXVII in
original.]

An act to repeal the act, intituled, An act to enable the congress of the United States to levy a duty on certain goods and merchandizes, and also on all prizes.

I WHEREAS the permitting any power, other than the general assembly of this commonwealth, to levy duties or taxes upon the citizens of this state within the same, is injurious to its sovereignty, may prove destructive of the rights and liberty of the people, and so far as congress might exercise the same is contravening the spirit of the confederation in the eighth article thereof:

Act to enable congress to lay duties on goods & prizes repealed.

II. *Be it therefore enacted*, That the act, intituled, "An act to enable the congress of the United States to levy a duty on certain goods and merchandizes, and also on all prizes," shall be, and the same is hereby repealed.

CHAP. XLIII.

[Chapter
CXXXVIII
in original.]

An act for establishing a town in the county of Bedford.

I. WHEREAS it is represented that William Downing and Joseph Fuqua, have given and conveyed for the use of the county of Bedford, one hundred acres of land, whereon the court-house and other public buildings of the said county are now erecting, and application being made to this assembly for establishing a town thereon:

Town of Liberty, in Bedford county established.

II. *Be it therefore enacted*, That the said one hundred acres of land be, and the same are hereby, vested in William Meade, William Callaway, William Left-

wich, Robert Clarke, James Buford, James Turner,
 and James Wright, gentlemen, trustees, to be by them,
 or any four of them, laid out into lots of half an acre
 each or more, with convenient streets, which shall be,
 and the same is hereby, established a town by the name
 of Liberty. That so soon as the said one hundred a-
 cres of land shall be so laid out into lots and streets,
 the said trustees, or any four of them, shall proceed to
 sell the said lots in such manner as they shall think
 best. The purchasers to hold the said lots respective-
 ly, subject to the condition of building thereon, in such
 manner, and in such time, as the said trustees, or a
 majority of them, shall think best, and to convey the
 said lots to the purchasers in fee, subject as aforesaid,
 and to pay the money arising from such sales to the
 court of the said county, to be by them applied towards
 lessening the county levy. *Provided always,* That
 two acres whereon the court-house and other public
 buildings are erecting, shall be, and they are hereby,
 reserved for the public use of the county. The said
 trustees, or a majority of them, shall have power to set-
 tle and determine all disputes concerning the bounds
 of the said lots, and to settle such rules and orders for
 the regular building of houses thereon as to them shall
 seem best and most convenient. And in case of the
 death, removal out of the county, or other legal disa-
 bility, of any one of the said trustees, it shall be law-
 ful for the other trustees to elect and choose so many
 other persons, in the room of those dead, removed, or
 disabled, as shall make up the number; which trustees
 so elected, shall be vested with the same power and au-
 thority as those particularly named in this act.

III. *And be it further enacted,* That the purchasers
 of lots in the said town, so soon as they shall have
 saved the same, according to the conditions of their re-
 spective deeds of conveyance, shall be entitled to, and
 enjoy all the rights, privileges, and immunities, which
 the freeholders and inhabitants of other towns in this
 state, not incorporated by charter, hold and enjoy. If
 the purchaser of any lot shall fail to build thereon
 within the time limited in his deed of conveyance, the
 said trustees, or a major part of them, may thereupon
 enter into such lot and may sell the same again, and
 apply the money in any way for the benefit of the said
 town.

**Lots, how
disposed of.**

**Conditions
of building**

**Two acres
reserved for
public build-
ings.**

**Powers of
trustees.**

**Vacancies,
how suppli-
ed.**

**Privileges of
purchasers.**

CHAP. XLIV.

[Chapter
CXXXIX in
original.]*An act to amend the act, intituled, An act for establishing and regulating the militia.*

I. WHEREAS experience hath proved the great utility of cavalry in this state, as well to controul the operations of the enemy, as to give extent and efficacy to those of our own troops:

II. *Be it enacted by the General Assembly,* That every sixteenth man of the militia shall be formed into a body of cavalry, and armed in manner hereafter directed, that is to say, the lieutenant or commanding officer of the militia in every county, shall call a general muster in the month of March next, and shall propose to the militia of his county, that such as incline to act as horsemen, shall, within ten days after such muster, give in their names to such lieutenant or commanding officer. Each horseman so entering voluntarily shall provide a sufficient horse, not less than fourteen hands high, and a good saddle and bridle, and shall be furnished by the state with a proper horseman's sword and cap, one pistol, and a pair of holsters.

Cavalry, in the militia, how organized and armed.

III. *And be it enacted,* That the field officers of each battalion, with the approbation of the lieutenant or commanding officer of the county, shall nominate proper persons to command the cavalry to be embodied by virtue of this act, who shall be commissioned by the governor. The officers so appointed shall call the said horsemen once in every month, to some convenient place in each county, for the purpose of training and disciplining. The said cavalry shall be exempt from attendance in all other private musters, and shall be entitled to the same pay, rations, and forage, when in actual service, as cavalry in the continental army. And in case their horses, saddles or bridles, shall be taken by the enemy, lost or destroyed, without the neglect or default of such horsemen, when in actual service, the same shall be paid for by the public; which horses, saddles and bridles, the county lieutenants or commanding officers, shall have valued by three free-

Officers of cavalry, how appointed.

Cavalry, how trained.

Exempted from duty in main body of militia. Pay.

Horses, &c. lost, paid for by public.

holders, before they enter on actual duty, and return the valuation to the executive.

Militia, in counties most exposed, and in Williamsburg & Norfolk, how armed.

IV. *And be it further enacted*, That the governor shall cause to be delivered to the lieutenants or commanding officers of the militia of such counties as are most exposed to the incursions of the enemy, and to the officers of militia of the city of Williamsburg, and borough of Norfolk, such a number of arms as he may think necessary, not less than sufficient to arm three tenths of their militia, for which such lieutenants or commanding officers shall give their receipts, and shall deliver the same to such of the militia as are first to be called on duty, taking their receipts for the same; who, on having served their tour of duty, shall return their arms, in good order, to the lieutenant or commanding officer, or to the order of such lieutenant or commanding officer, to be delivered in like manner to such of the militia as stand next in rotation.

Arms, how disposed of.

Fines, for delinquencies.

V. *And be it further enacted*, That the penalties and forfeitures for every neglect of duty in any officer of the militia, or militia-man, whether of the cavalry or infantry, shall be the same, and recovered in the same manner, and appropriated as is directed and prescribed by an act passed in the year one thousand seven hundred and seventy-seven, intituled, "An act for regulating and disciplining the militia." *Provided always*, That all officers and militia-men shall be subject to the continental articles of war, in the same manner as they were under an act passed in one thousand seven hundred and eighty-one, intituled, "An act to amend an act for regulating and disciplining the militia, and for other purposes," any thing in this act to the contrary notwithstanding.

Fines, for failing to return arms.

VI. *And be it further enacted*, That every militia-man to whom arms shall be delivered as aforesaid, who shall neglect or refuse to return the same in manner by this act directed, shall forfeit and pay the sum of twelve pounds; and on failing so to do, or giving security to pay the same in two months, every such militia-man shall be obliged to serve in the continental army the term of three years or during the war. The forfeitures so recovered and received, shall be paid in the month of November annually, into the public treasury by the officer receiving the same.

VII. *And be it further enacted*, That where any quaker or menonist shall be subjected to a tour of duty in consequence of the militia or invasion law, such quaker or menonist shall not be compelled to perform such duty, but the county lieutenant or commanding officer of the militia, shall appoint some proper person to procure a substitute upon the best terms possible, who shall make return to the lieutenant or commanding officer aforesaid, of the name of such substitute, and the consideration agreed to pay him; whereupon the lieutenant or commanding officer, shall issue his warrant to the sheriff or collector of the tax of his county; which shall in the first instance be against the estate of each quaker or menonist so draughted for the amount of the substitute money agreed for, in behalf of each of them, to be levied on their lands, goods, and chattels respectively, in the same manner as if by law directed for collecting a permanent revenue; and is any of the said quakers or menonists so draughted, shall not have sufficient property on which a levy can be made, then the whole or part of such substitute money, shall be levied on the property of all the quakers and menonists in the said county, that are subject to the militia service, each to pay in proportion to his taxable property.

VIII. And whereas, many delinquents of the militia have been heretofore condemned by the courts-martial under the laws in force to serve in the continental army; but as the periods of such service do not extend to the term of three years, and under the late regulations of the continental army no persons are admitted therein who are engaged for a less time;

IX. *Be it therefore enacted*, That the different county lieutenants direct their captains to make return of all such delinquents so condemned, who shall in the first requisition for militia to the county, be ordered forth to serve the term for which they have been respectively condemned, and so serving faithfully, they shall be exonerated from the punishments to which they are now subjected as deserters, and failing herein, are declared regular soldiers for the term of twelve months, to serve on board the armed vessels for the defence of Chesapeake bay.

Quaker or menonist drafted, not compelled to perform duty; but a substitute provided, at his expense; if unable to pay, the price to be levied on the whole of the society.

Delinquents of militia condemned for not serving in continental army, to serve in next requisition of militia.

On serving exonerated from penalties of desertion; otherwise declared regular soldiers, to serve on board armed vessels.

Chap. CXL
in original.

CHAP. XLV.

[Chan. Rev.
pa. 182.

See Nov.
1712, ch. 23;
May 1712,
ch. 44.

An act to amend an act intituled an act to repeal so much of a former act as suspends the issuing of executions on certain judgments until December 1788.

British debts
not recover-
able, altho'
assigned, re-
newed or
altered.

I. WHEREAS from an act intituled "An act to repeal so much of a former act as suspends the issuing executions upon certain judgments until December one thousand seven hundred and eighty three," sundry great and ruinous inconveniences and hardships will result to the good people of this commonwealth, unless a speedy remedy be applied: *Be it enacted by the General Assembly*, That no debt or demand whatsoever contracted with, or due to any British subject, or contracted with or due to any other person, for the use of, or in concern with, any British subject, and still remaining unpaid, shall be recoverable in any court of record within this commonwealth, notwithstanding the same may have been renewed, changed, altered, or acknowledged to any agent, partner, or assignee of such British subject, or to any other person whatsoever, either for their own use or benefit, or for the use or benefit of such British subject, since the nineteenth day of April, in the year one thousand seven hundred and seventy-five, any law to the contrary in any wise notwithstanding.

How frauds,
in assign-
ments of
British debts
detected.

II. And whereas from the commencement of hostilities by the British against these United States, and the subsequent proceedings of the general convention and general assembly, there is reason so believe that much fraud has been used to secure the debts due to British subjects, their agents or factors within this commonwealth, by pretended sales, exchanges or assignments (to the citizens thereof, or other persons qualified to maintain suits for the recovery of such debts) bearing date prior to the nineteenth day of April one thousand seven hundred and seventy five, thereby interesting a part of the citizens in supporting the British interest and connection, to the injury of another part, and to the disturbance of the peace and harmony

of the commonwealth: *Be it therefore enacted*, That where any debt or demand whatsoever originally due to a British subject, his or her agent or factor, shall have been transferred by assignment or otherwise, to any citizen of this commonwealth, or to any other person capable of maintaining a suit for the recovery of the same, before the said nineteenth day of April in the year one thousand seven hundred and seventy five, such debt or demand shall not be recoverable in any court of record within this commonwealth, unless it shall appear on the trial of any suit or suits for the recovery thereof, that the same was transferred or assigned for the full value thereof bona fide paid at the time of such assignment or transfer before the said nineteenth day of April one thousand seven hundred and seventy five, and that notice thereof shall have been given to the debtor before the tenth day of September, in the year one thousand seven hundred and seventy five, the proof of the said consideration paid, the time of assignment or transfer, and the notice thereof given as aforesaid, to be on the person or persons claiming such debt or demand.

III. *And be it further enacted*, That where it shall appear on the trial of any suit for the recovery of any such debt originally due to a British subject, that the person or persons so claiming the same, or any other person for them, hath been privy to any fraud or collusion in procuring or accepting any assignment or transfer of such debt, judgment shall be given for treble costs to the defendant: *Provided always*, That nothing herein contained shall be construed to prevent any citizen of this commonwealth who has been in co-partnership with any British subject or subjects, and who was resident therein before the said nineteenth day of April one thousand seven hundred and seventy five, continued so since that time, and given assurance of fidelity as the law requires, from prosecuting by attachment in the high court of chancery, or any county court in chancery, and recovering the just sum or balance which may be due to him for his share or proportion of the debts or effects of such copartnership.

IV. *And be it further enacted*, That no such citizen who has been in partnership as aforesaid, shall be compelled to pay the debts due from such copartners to any person whatsoever, unless it shall appear that

Treble costs to defendant on proof of fraud.

Citizens partners with British creditors, may proceed by attachment.

How far such citizens partnership exempted from debts of copartners.

he has refused to discover other debts or effects whereof of the claim of such citizen could be made.

Lands may
be tendered
on judg-
ments.



How execu-
tions there-
for may is-
sue.

Proceedings
on such exe-
cutions.

V. And whereas the afore recited act substitutes merchantable inspected crop tobacco, hemp, and flour, in lieu of money to discharge executions to be issued on certain judgments, but from the want of a sufficiency of specie and the great scarcity of those commutable articles, arising from the late general and deplorable drought, the ease and benefit intended by the legislature from the said act, will not be derived to the citizens of this commonwealth, and it is reasonable that other commutables be substituted in addition to those named in the said recited act: *Be it therefore enacted*, That whenever judgments have been or shall be obtained, or scire facias sued out to revive a judgment for any sum or sums of money exceeding one hundred pounds current money, it shall and may be lawful for the debtor, or his attorney, to tender to the creditor, or his attorney, lands in discharge of the said judgment, and submit his title papers to the opinion of the court, and the said title being approved, execution may be then awarded; provided that the creditor shall appoint one freeholder, and the debtor another, convenient to the land; and on the refusal of the debtor or his attorney, so to do, execution shall issue without such appointment. And whenever executions shall issue in manner and form aforesaid, the freeholders so elected, shall within twenty days after notice given, under penalty of one hundred pounds each, to be recovered at the suit of the creditor, proceed on oath, which oath may be administered by any magistrate in the county where the lands lie, to value the lands so tendered as the same would sell for in specie for ready money, according to the best of their judgments; and whenever it shall so happen that the two so elected shall disagree, then they are directed to appoint one other freeholder, who, on oath, first to be administered as aforesaid, shall affix the valuation to which-ever of the two valuations he shall think most just and reasonable.—*Provided always*, That no debtor shall be admitted to tender any lands without discovering first, on oath, whether there are any prior mortgages or incumbrances thereon within his knowledge, and that the said lands be in one entire tract, or part of a larger tract, in convenient form, and situated within one hundred

miles of the usual place of residence of the creditor; and where the creditor is not resident within this state, then within one hundred miles of the usual place of residence of the debtor. And that good and sufficient deeds for the same be made, executed and delivered, before the debtor shall be discharged from the execution, and then the creditor shall receive the same according to the valuation aforesaid, in discharge of the execution, or so much thereof as the said valuation may amount to. *Provided also*, That where lands shall be so tendered, and executions issue as aforesaid, then the debtor, on finding good and sufficient security for the doing and performing all things required by this act, may be discharged from close custody.

VI. *And be it further enacted*, That whenever judgment shall be obtained, or scire facias to renew judgment for any sum exceeding twenty pounds current money sued out, it shall and may be lawful to discharge the same in negroes, to be tendered and valued in manner directed for the tendering and valuation of lands. *Provided always*, That whenever it shall so happen that the title to lands or negroes shall afterwards be evicted not to have been in the debtor at the time of payment to the creditor; in all such cases, it shall and may be lawful for the creditor to sue out new execution on his former judgment, and moreover shall have his action of damages against such debtor, for all damages and costs of suits which he has incurred in defending the title.

VII. And whereas by the afore recited act, no executions are permitted to be issued until the first of March one thousand seven hundred and eighty three, and from the construction thereof many frauds have and may arise: In remedy whereof, *Be it enacted*, That whenever any person confesses judgment in custody, where no special bail has been given, or where such person or persons have been delivered up by his or their special bail, in discharge of his or their recognizance, in all such cases it shall and may be lawful for the plaintiff to pray the defendant in execution; any thing in the said law to the contrary notwithstanding; and then and thereafter the same process may be had in such cases as has been heretofore in use within the limits of this commonwealth. *Provided always*, That any thing herein contained, shall not be construed to

Slaves may be tendered on judgments above 20L.

New execution, if creditor evicted of lands or slaves.

Debtor may be committed on confessing judgment in custody or being surrendered.

Contracts,
what kind
excepted.

extend to any contract specifying in what manner the same shall be paid, unless the said contract specifies payment to be made in coin, which has been heretofore in use in this country, nor to any contract whatsoever, made or entered into since the first day of January, one thousand seven hundred and eighty-two, for all which debts or contracts, judgment may be obtained, execution issue, to be discharged in manner specified by the said contract, and no commutable article whatever be admitted to pay the same. And all and every thing in the said act or any other act whatsoever, not compatible with the above and every part thereof, is, and the same is hereby declared to be repealed. *Provided always,* That nothing in this or any other act

Debts under
5L. excepted

(except for British debts as aforesaid) shall prevent the recovering by executions, debts under five pounds, but that the same shall be prosecuted in like manner as if this or any other act to the contrary thereof, had never been made.

Land pur-
chasers of
sundry com-
panies, in-
cluded in
this act.

VIII. And whereas the settlers on lands surveyed for sundry companies, which settlers, by an act intitled "An act concerning the titles of settlers on lands surveyed for sundry companies," passed this present session of assembly, are to have the time prolonged for the term of twelve months to pay the principal and interest of the purchase money for their lands to the said grantees or agents; and it is just and reasonable that the said settlers should be benefitted in the same manner as other debtors are: *Be it enacted,* That the said settlers shall and may discharge the said principal and interest, in the commutables mentioned in this act, without any judgment or execution issuing at or before the end of the term limited for the said lands to revert to the grantees. *Provided nevertheless,* That this act shall continue and be in force from and after the passing thereof, until the first day of December one thousand seven hundred and eighty three.

Continuance
of act.

CHAP. XLVI.

[Chap.
CXXI in origi-
nal.]

An act to regulate the pay of the militia heretofore called into service, in cases not provided for by law.

[Chan. Rev.
p. 183.]

I. WHEREAS no provision is made by law for the pay of the militia heretofore called into service, except such militia shall have marched out of the state, or joined the army acting within this state: For remedy whereof, *Be it enacted*, That all militia called into service since the first day of January, one thousand seven hundred and eighty, or who shall hereafter be called into service, whose rolls have not already been settled, shall receive the same pay and rations as the officers and soldiers of the continental army; and the auditors of public accounts are hereby directed to grant printed certificates for the same. *Provided nevertheless*, That no militia officer or soldier shall be entitled to receive pay as aforesaid, except such officer or soldier shall have been on duty ten days.

Pay of militia called into service, the same as continental army.

None for less than ten days service.

II. And whereas the allowance to scouts employed for discovering the approach of Indian or any other enemy on the frontiers is inadequate to their fatigue and trouble: *Be it enacted*, That every scout who shall hereafter be employed, as by law directed, shall be entitled to receive for every day he shall be so employed, the sum of five shillings per day, to be audited and paid in the same manner as the militia in this act is directed to be paid.

Pay of scouts.

[Chapter
CXLII in
original.]
[Chan Rev.
p. 183.]

CHAP. XLVII.

An act to empower the naval officers to receive the duties in the several districts.

Naval officers to be collectors of duties on ships, &c.

I. *BE it enacted by the General Assembly, That all duties and customs which now, or shall hereafter accrue due to this commonwealth, upon ships, vessels, goods, wares, and merchandizes, or any other articles whatsoever, by virtue of any law of this commonwealth, may and shall be paid to the naval officer of the district where such duty or custom is directed to be paid. And the respective naval officers are hereby required to collect, account for, and pay into the public treasury, the amount of all such duties or customs, according to the several acts imposing the same, and under the pains and penalties therein contained.*

CHAPTER

Ch. CXLIII
in original.

CHAP. XLVIII.

[Chan. Rev.
p. 183.]

An act to revive and amend an act, For the better regulating and collecting certain officers fees, and for other purposes therein mentioned.

See vol. 5,
p. 326; also
this session,
ch. 36.

Act of 1745,
concerning
officers' fees
revived.

I. WHEREAS the act of assembly passed in the year of our Lord, one thousand seven hundred and forty-five, intituled, "An act for the better regulating and collecting certain officers fees, and other purposes therein mentioned," hath expired, & it is expedient & necessary that the same should be revived & amended: *Be it therefore enacted, That the act intituled, "An act for the better regulating and collecting certain officers fees, and other purposes therein mentioned," be revived and shall continue and be in force from and after the passing of this act, for and during the term of two*

years, and from thence to the end of the next session of assembly and no longer.

II. *And be it further enacted*, That all persons who now are, or shall hereafter become chargeable with, any tobacco fees for services mentioned in the said recited act, shall discharge the same in manner directed by the act of assembly passed in the year one thousand seven hundred and eighty-one, intituled, "An act for regulating tobacco fees and fixing the allowance to sheriffs, witnesses and venire-men."

How tobacco fees paid in money.

See October 1781, ch. 31.

III. And whereas the act of assembly passed in the year one thousand seven hundred and sixty-one, intituled, "An act for regulating the practice of attornies," hath expired, and it is necessary the same should be revived; *Be it therefore enacted by the General Assembly*. That the act intituled, "An act for regulating the practice of attornies," shall be, and the same is hereby revived.

Attornies Act revived See 1761, ch. 3.

CHAP. XLIX.

An act to amend the act, intituled, An act for adjusting certain public claims.

[Chapter CXLIV in original.]

1. *BE it enacted by the General Assembly*, That the auditors of public accounts, shall, and they are hereby empowered and required, to make such allowances for covering or stud horses, and also for geldings and mares, which have been impressed or taken for public use; as to them, having regard to the descriptions certified by the county courts, shall appear just and right, so as the allowance for a covering or stud horse do not exceed one hundred and fifty pounds, nor for a gelding or mare for cavalry one hundred pounds, nor for a waggon horse forty pounds, and to issue warrants accordingly. That wherever the book of claims from the respective counties and the vouchers or certificates shall disagree as to the quantity of any article, the auditors shall be governed by the vouchers or certificates.

Power of auditors in adjusting claims for property impressed.

And whereas there may be many claims for property impressed or taken, which have not hitherto been adjusted and allowed by the county courts,

County courts allowed further time to receive further claims.

II. *Be it enacted*, That the said courts may, and they hereby are required to receive and adjust all such as may be presented before the first day of June next, and certify the same, and return the vouchers to the next session of assembly. And whereas certificates were receivable in taxes for the years one thousand seven hundred and eighty, and one thousand seven hundred and eighty-one, which cannot now be audited; and it is just that the sheriffs or collectors indebted to the public for balance of taxes in the said years should be allowed to pay the said certificates in discharge of the said taxes:

Sheriffs allowed to pay taxes in certificates.

III. *Be it therefore enacted*, That the several sheriffs and collectors indebted for public taxes in the said years, are hereby authorized to pay certificates for articles impressed or taken for public use, and the auditors shall allow the same in discharge of such taxes.

Warrants, in paper money for property impressed, may be re-audited, in specie.

IV. *And be it further enacted*, That the auditors of public accounts, shall, upon application for that purpose, re-audit warrants issued by them for paper money on account of articles impressed or furnished for public use, and grant other warrants in specie, according to the depreciation at the time such articles were impressed or furnished.

V. *And be it further enacted*, That the auditors of public accounts be, and they are hereby empowered and directed to employ so many temporary clerks (not exceeding two) as they shall judge necessary for the completion of the business in that office; provided that such appointments do not extend beyond the end of the next session of assembly.

GENERAL ASSEMBLY

Begun and held at the Public Buildings in the City of Richmond, on Monday the fifth day of May, in the year of our Lord one thousand seven hundred and eighty-three, and in the seventh year of the commonwealth.

Benjamin Harrison,
ex-q. governor.

CHAP. I.*

Ch. CXLV
in original.

An act for establishing pilots and regulating their fees.

Chan. Rev.
pa. 184.

1. WHEREAS it is necessary for the safety and preservation of vessels coming into the bay of Chesapeake, bound up the rivers of this commonwealth, that able and experienced pilots should be established to conduct such vessels, for reasonable fees, to their several moorings; and to prevent ignorant and unskillful persons from undertaking such pilotage; *Be it enacted, That* Paul Loyal, Thomas Brown, James Barron, John Gwinn, Edward Cowper, Charles Bailey, and William Ballard, or any three of them, be, and they are hereby appointed to examine every person that shall desire to be admitted a pilot, he first producing a

Preamble

Certain persons appointed to examine & grant to pilots branches

* In the original the chapters are numbered progressively from the end of the last session, although the paging commences anew. But, as in the Chancellors' Revision, the chapters commence with number 1, and the sections are differently arranged, in many instances, from the original, I shall conform to the Chancellors' Revision, in this publication, for the convenience of reference.

Pilots to
keep suffi-
cient boats:

Penalties.

Providor.

No more
than two pi-
lots to be in
partnership

Rules for
masters of
ships and
pilots.

certificate from the county court where he resides, of his honesty and good behaviour, paying down to the examiners, the sum of thirty shillings; and if upon examination the person shall appear of sufficient skill and ability, the said examiners shall thereupon grant such person a branch, and thenceforth he shall be reputed a lawful pilot. *Provided*, That no person whatsoever, shall be permitted to execute the business of a pilot, notwithstanding he may have such branch as aforesaid, unless he or the company to which he belongs, shall keep one sufficient boat of eighteen feet keel at the least; under the penalty of fifty pounds for every vessel such pilot shall undertake to conduct; to be recovered with costs, in any court of record in this state, by the party suing for the same, to his or their own use: And if any person not having such branch, and keeping such boat as aforesaid, shall presume to take upon himself to conduct or pilot any vessel coming from sea to any place or places hereafter-mentioned, every such person shall forfeit and pay the sum of fifty pounds; to be recovered with costs, in any court within this state, by the party suing for the same; and moreover such person shall be liable for all damages occasioned by his undertaking the pilotage; to be recovered by action at common law, in any court within this state, by the party grieved. *Provided*, That this act shall not be construed to extend to hinder any person or persons from assisting any vessel in distress, so as he or they shall deliver up such vessel to the pilot who shall come on board and offer to undertake the conduct of her, for which such assistant shall and may demand and receive from the said pilot, half the fees allowed for pilotage by this act.

II. And whereas great inconveniencies have arisen from pilots entering into combination, or partnership, which has occasioned great neglect of their duty: For prevention whereof, *Be it enacted*, That no more than two pilots shall be in partnership, under the penalty of one hundred pounds each, to be recovered with costs, by any person suing for the same.

III. And for the encouragement of pilots to do their duty, and that all pilots may be induced to keep a good lookout; *Be it enacted*, That every master of a merchant's vessel coming from sea, shall be obliged to receive the first pilot who offers to conduct his vessel, or

shall pay him full pilotage to the first port, and shall continue the same pilot to his first port of discharge; and every pilot cruising or standing out to sea, shall offer his services first to the vessel which may be nearest the land, or in most distress. And if any pilot, not being hindered by sickness, or other lawful cause, shall refuse to go on board any vessel, when required by the master, to execute his office, such pilot or pilots, in either case, shall, upon complaint and conviction before the examiners, or any three of them, forfeit to the party grieved, twenty pounds; and be liable to be suspended by them for such term or time as they shall think fit.

IV. *And be it enacted*, That if any pilot shall negligently or carelessly lose any vessel under his care, and be thereof convicted by due course of law, he shall forever after such conviction, be incapable of acting as a pilot in this state, and shall be also liable to pay all such damages any person or persons shall sustain by such negligence or carelessness, to be recovered as is before directed.

Pilots incapacitated & liable to damages for losing ships.

V. *And for preventing any exorbitant demands for pilotage, Be it enacted*, That the following, and no greater prices, shall be taken or demanded, to wit,—
On James river, for all square rigged vessels coming from sea, from cape Henry or Lynhaven bay to Hampton road, forty shillings; and for going out to sea, thirty shillings; and for each foot depth of water they draw, from Hampton road or Sewell's point to Norfolk, two shillings per foot; to Sleepy-Hole or Sack Point, in Nansemond, three shillings per foot; to Pagan creek, two shillings and three pence per foot; to Jamestown, six shillings per foot; to Martin's Brandon, six shillings and six pence per foot; to Flower de Hundred, seven shillings per foot; to City Point or Bermuda Hundred, nine shillings per foot; to Four-Mile creek, eleven shillings per foot; to Osborne's, twelve shillings and six pence per foot; to Warwick, fourteen shillings per foot; and to Richmond, fifteen shillings per foot.
On York river, coming from sea, from the cape or Lynhaven to York town, three pounds; and for going out to sea, two pounds; from Back river or Egg-Island to York town, thirty shillings; from York town to West-Point, four shillings per foot; to Cumberland five shillings per foot; to the highest landings on Pamun-

Rates of pilotage.

key, six shillings and three pence per foot; to Shepherd's four shillings and six pence per foot; to Meredith's, Moore's, or the highest landings on Mattapony, six shillings per foot. From cape Henry, to any river on Mobjack bay, the same pilotage as to York town; from the cape to Urbanna, coming from sea, four pounds; and for going out to sea three pounds; from Urbanna to Hobb's Hole, three shillings per foot; to Naylor's Hole, four shillings per foot; to Leed's or Micou's, six shillings and six pence per foot; to Port Royal nine shillings per foot; to Fredericksburg, eleven shillings and six pence per foot. From the cape to Pianketank, the same pilotage as to Urbanna.— From the cape to Smith's point, on south Potowmack, coming from sea, six pounds; and for going out five pounds; from Smith's point to Coan or Yocomico, two shillings and six pence per foot; to Machodack, three shillings, to Upper Machodack, four shillings per foot; to Nangomy, five shillings; to Boyd's Hole, five shillings and six pence per foot; to Quantico six shillings; to Ocoquan, six shillings and six pence per foot; to Piscataway, eight shillings; to Alexandria, nine shillings and six pence per foot; to Eastern Branch ten shillings per foot; and the same fees by the foot back again; and from the places aforesaid to the Capes, and no more; and for all sloops and schooners, two thirds of the rates of pilotage. And when any master of a vessel shall give reasonable notice to the pilot he shall employ, of the time and place such master shall appoint for his attendance, and such pilot shall attend accordingly, he may demand and take the sum of ten shillings for every day he shall be detained by such master's not being ready to proceed according to his notice; and if any pilot shall demand or exact any other greater fee, he shall forfeit double the sum so demanded, recoverable before two justices, one of them being of the quorum, with cost, by the informer.

And allow-
ance for dis-
appointment

Pilot to have
one white
apprentice
at least.

Proviso.

VI. *And be it enacted*, That every pilot, before he obtains his branch, shall take one white apprentice at the least, and employ him constantly on board his boat, instructing him in the art of his business, which apprentice shall have the usual allowances made him at the expiration of his apprenticeship, and shall be exempt from militia duty. *Provided always*, That no masters of vessels shall be obliged to take a pilot who

shall not offer himself below the Horse Shoe, but every vessel having no pilot on board, and following another that has a pilot, shall pay him half fees.

VII. And to the end that strangers may not be imposed on in the rates of pilotage, as settled by this act, *Be it enacted*, That every pilot appointed in pursuance of this act shall be obliged, when he is in execution of his office, to carry with him a copy thereof, and when he receives his fees for the services performed on board any vessel, he shall produce the said copy to the master of the vessel, to shew that he demands no greater fee than is allowed by this act; and if any pilot shall neglect or refuse such copy, as aforesaid, he shall forfeit and pay twenty pounds to any person who shall sue for the same, to be recovered in any court within this state.

Pilots to carry with them and produce a copy of this act.

Penalty.

VIII. And for the further encouragement of pilots to do their duty, *Be it enacted*, That every branch pilot shall, and he is hereby exempted from, militia duty, during the time he shall act as a pilot. This act shall take place from and after the first day of July, one thousand seven hundred and eighty three.

Branch pilots exempted from militia duty.

Commencement of act.

IX. *And be it enacted*, That the public printer shall furnish the examiners, on demand, fifty copies of this act, one of which copies, signed by three of the said examiners, shall be delivered to each pilot when he obtains his branch.

CHAP. II.

An act for the relief of sheriffs.

Ch. CXLVI
in original.

I. WHEREAS difficulties unforeseen by the legislature have occurred, so as to render it impossible for the sheriffs to comply with the letter of the law, in accounting for, and paying into the public treasury, the commutable articles by them collected for the taxes due in the year seventeen hundred and eighty two, by means whereof judgments to very considerable amounts have been, or may be, rendered against many of the said sheriffs who have demonstrated a willingness to make

Preamble.

payments without prejudice to the public. And where, as it is just and reasonable that such sheriffs or collectors as are willing to make payments without loss to the public, should be relieved from the interest and damages accruing on the said judgments;

Executions
judgments
against she-
riffs for tax-
es, suspend-
ed.

Upon what
conditions.

II. *Be it enacted by the General Assembly,* That until the first day of August next no execution shall issue on any judgment against a sheriff or collector, and he or they paying into the public treasury, before the said first day of August, the amount of such judgment in specie, civil list warrants, or warrants for interest due to officers and soldiers, or in the commutable articles, and in the proportion and at the rate thereof as declared by law, shall be acquitted of the interest and damages on such judgment. *Provided,* That unless in the case hereafter provided, the amount of the warrants and specie offered shall not exceed the sum or quantity thereof collected of the people for taxes; that the notes for tobacco or flour shall not be of a date elder than is allowed by law, on a computation from the time at which the payment may be offered, except it shall appear by the oath of the party, or other evidence satisfactory to the treasurer, that the same notes had been before tendered to him in payment, and were at such tender within the period allowed by law. *Provided also,* That the deerskins, notes for hemp or flour, shall have been received of the people in payment of their taxes. *Provided also,* That any sheriff or collector may discharge in specie, and at the rate established by law, any balance against him by reason of deerskins, for notes for hemp or flour, by him tendered to the treasurer, and by him in pursuance of this act refused. *And provided,* That any sheriff owing a balance to the public, for which no judgment may have been rendered, shall have the full benefit of this act. And where, as it hath been represented to this general assembly, that influenced by the apparent impossibility of completing their collections, several sheriffs and collectors have been induced to purchase, on their own account, quantities of hemp, the notes for which they are willing to pass in discharge of the taxes due from their counties;

Benefit of
this act ex-
tended to all
sheriffs ow-
ing a bal-
ance to the
common-
wealth.

III. *Be it further enacted,* That the treasurer shall receive any such notes at the rate of thirty-seven shillings and six per hundred, provided the quantity shall

not exceed the proportion thereof as by law declared. *And provided also*, That proof, by persons disinterested in such transactions, shall be made before two justices of the peace, one being of the quorum, and by them certified to the treasurer, that such hemp shall have been purchased before the first day of June in the present year. and for the purpose herein mentioned, and no other.

Hemp receivable in taxes, and at what rate.

IV. *And be it further enacted*. That in all cases where judgments may on the said first day of August remain unsatisfied, executions shall immediately thereafter issue against every delinquent sheriff or collector, for the balance appearing to be due, and the interest and damages on the said balance, the whole amount thereof to be discharged in specie only.

CHAP. III.

Ch. CXLVII
in original.

*An act to amend the act, intituled,
An act to amend the act for adjusting
claims for property impressed
or taken for public service.*

I. WHEREAS from the great variety of public business, in which the auditors of public accounts are necessarily engaged, it is found impracticable for them to settle and adjust the claims of all persons against this state, agreeable to the directions of an act, intituled, "An act for auditing certain public claims," so as the public creditors may receive warrants for the same before the first day of August next, being the time fixed by an act of the last session of assembly for collecting the several taxes imposed by an act "For calling in and redeeming certain certificates:" For remedy whereof,

Preamble:

II. *Be it enacted by the General Assembly*, That two commissioners be appointed, by joint ballot of both houses of assembly, who, upon taking the following oath, to be administered by a justice of the peace, that

Commissioners to settle claims for property impressed for public service.

is to say. "I, A. B. do swear that I will, to the best of my skill and judgment, faithfully and truly execute the duties required of me, by an act, intituled, 'An act to amend the act intituled, An act to amend the act for adjusting claims for property impressed or taken for public service;' without favor, affection, or partiality. So help me God." Shall have the same powers, and perform the like duties, as are given to, and required of, the auditors of public accounts, by the act for adjusting certain public claims. The auditors shall furnish the said commissioners, so soon as may be, with all the certificates and other papers respecting the said claims returned and lodged in their office, distinguishing upon which of them they have issued warrants; and the said commissioners shall enter in a book to be provided for that purpose, in alphabetical order, the names of all persons in each county to whom they shall issue warrants, and the amount thereof, and return the said book to the auditors on or before the first day of January next, and to expedite the said business, the commissioners shall have power, and are hereby authorized, to appoint two clerks. All warrants signed by the said commissioners shall be receivable in payment of taxes in the same manner as if they had been signed by the auditors of public accounts.

To keep a register of warrants issued, and return it to auditors,

Warrants or certificates issued by commissioners, receivable in taxes,

County courts to adjust claims, for a limited time, & certify them to commissioners.

Commissioners to grant warrants.

Auditors may re-audit warrants, in paper money, & issue them in specie.

III. *And be it further enacted*, That it shall be lawful for the county courts to receive and adjust the claims of all persons for articles impressed or taken for public use, until the first day of October next, and no longer, to be certified and sent by the clerks of the said courts to the commissioners appointed by virtue of this act. Where any certificate shall be lost, or claim allowed by the said courts, for which there shall be no certificate, the commissioners shall adjust such claims agreeable to the allowance of the courts, and issue their warrants for the same according to the prices fixed and established by the act for adjusting certain public claims. The auditors of public accounts shall, upon application for that purpose, re-audit warrants issued by them for paper money on account of articles impressed or taken for public use, and also for services performed, and grant other warrants in specie, according to the prices allowed by law for such articles, and such services respectively; any law to the contrary thereof notwithstanding. They shall also to the staff

officers acting in the militia since the beginning of the year 1780, and producing from the general or field officers, under whom they were employed, vouchers for their service; grant printed certificates at the rate allowed to persons of the same department in the continental army; which certificates shall be received in payment of the taxes imposed by the act, intituled, "An act for calling in and redeeming certain certificates."

IV. *And be it enacted*, That the commissioners appointed by this act shall receive in warrants on the treasury, the sum of four hundred pounds for the services of themselves and their clerks, in the business to them assigned, which warrants shall be receivable in taxes as civil list warrants are. And in case of a vacancy, by the death, refusal, or disability to act, or resignation of the commissioners, or either of them, it shall be supplied by the appointment of the governor, with the advice of council.

CHAP. IV.

An act for farther continuing several acts of assembly.

I. WHEREAS three acts of assembly passed in the years one thousand seven hundred and eighty-one, and one thousand seven hundred and eighty-two, the one intituled, "An act for calling in and funding the paper money of this state;" one other intituled, "An act to ascertain the losses and injuries sustained from the depredations of the enemy, within this commonwealth;" and one other intituled, "An act to ascertain the number of people within this commonwealth," will expire at the end of this present session of assembly, and it is expedient and necessary that the same should be farther continued: *Be it therefore enacted*, That the said several recited acts shall continue and be in force from and after the expiration thereof until the first day of December next, and no longer.

[Chapter
XXXIX in
original.]

CHAP. V.

An act to suspend the operation of the act, intituled, An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act.

Preamble.

I. WHEREAS it is found necessary for the ease and convenience of the citizens of this commonwealth; in their present distressed state, that the operation of the act, intituled, "An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act," be postponed to a future day:

Distress
for taxes
postponed.

II. *Be it therefore enacted by the General Assembly,* That no distress for any tax imposed by the said act shall be made before the twentieth day of November next.

Sheriffs to
collect, al-
though the
term of their
appoint-
ment expir-
ed.

III. *And be it further enacted,* That the several sheriffs whose appointments will terminate in the month of November next, shall, nevertheless, have full power to compleat the collection of the taxes aforesaid, which they are hereby required to perform; and shall have right and authority to collect or distrain for the same in the like manner as if their appointments had not then expired.

CHAP. VI.

Chap. CL
in original.*An act to repeal the several acts of assembly for seizure and condemnation of British goods found on land.*

I. *BE* it enacted by the General Assembly, That all and every act and acts of assembly or convention, so far as the same prohibit the importation of British goods, wares, or merchandize, into this commonwealth; or as subject the same to any manner of forfeiture or condemnation, or the person or persons importing them to any damage or penalty whatsoever, shall be, and are hereby repealed. And that all such goods, wares, and merchandize, be admitted to entry with the naval officers, and subject to the like duties and restrictions imposed by law upon all other goods, wares, and merchandize.

All acts and ordinances prohibiting importation of British goods repealed.

II *And be* it further enacted, That this act shall have the force and obligation of law, from and after the thirtieth day of May, in the present year.

CHAP. VII.

[Chap. CLI
in original.]*An act to amend an act, intituled, An act to continue and amend an act, for the inspection of pork, beef, flour, tar, pitch, and turpentine.*Chas. Rev.
p. 184.]

I. WHEREAS by an act of assembly passed the sixth day of May, one thousand seven hundred and eighty-two, intituled, "An act to continue and amend the act, intituled, An act for the inspection of pork, beef, flour, tar, pitch, and turpentine," amongst other rates of inspection it is enacted, that seven pence half-penny per barrel be paid for the inspection of tar, pitch, and turpentine; which said rate is found to be higher than the said articles of tar, pitch, and turpentine, will

Price for inspection of tar, pitch, and turpentine reduced.

bear: For remedy whereof, *Be it enacted*, That three pence per barrel only, be paid for the inspection of tar, pitch, and turpentine, from and after the passing this act, any law to the contrary notwithstanding;

CHAP. VIII.

[Chap. CLII
in original.]

Chap. Rev.
p. 186.

See October
1780, ch. 27,
and notes.

An act to establish certain and adequate funds for the redemption of certificates granted to the officers and soldiers for their arrears of pay and depreciation.

Preamble.

1. WHEREAS the funds formerly appropriated by law for the redemption of the certificates granted, or to be granted, to the officers and soldiers of the Virginia line, on continental and state establishments, for their arrears of pay and depreciations, have hitherto proved inadequate, and the finances of the state are at present in such circumstances that the same cannot be paid within the time limited by law, without greatly distressing the citizens thereof: And whereas certain officers, deputed on behalf of the said officers and soldiers, have presented to this present assembly an humble and dutiful memorial, expressing their sincere desire to prevent every embarrassment to the public during the present exhausted state of the country, and declaring their voluntary consent to postpone such payment for a reasonable time, in full confidence that the legislature will establish certain and adequate funds for the redemption of such certificates, within the time which may be now appointed for the same: *Be it therefore enacted by the General Assembly*, That in aid of the funds hitherto appropriated for the redemption of the certificates granted, or to be granted, to the said officers and soldiers for their arrears of pay and depreciation, the following duties shall be paid on the goods, wares, and merchandize, herein after enumerated, which may be imported, either by land or water, into this state; and the money arising therefrom appropriated to the sole

Tax of duty imposed on particular goods imported in aid of funds, for redemption of military certificates.

purpose of redeeming the said certificates, and the warrants already issued, or which may hereafter issue, for the interest of the said certificates, that is to say: On every bushel of salt, the sum of nine pence; on every gallon of distilled spirits, the sum of four pence; on every gallon of wine, the sum of four pence; on every hundred pounds of hemp, the sum of two shillings; on every hundred pounds of cordage, the sum of one shilling; on every gallon of beer, ale, or porter, the sum of four pence; on every pound of snuff the sum of one shilling.

II. *And be it further enacted*, That the master or purser of every ship, or other vessel, importing any goods, wares, or merchandize, liable to a duty by virtue of this act, to any port or place within this commonwealth; shall, within forty eight hours after his arrival, make a true and just report, upon oath; with the collector of the duties in the said port or place, of the burthen, contents, or loading of such ship or vessel, with the particular numbers of every cask or package therein laden, and containing any of the aforesaid goods, wares, or merchandize, and of all parcels or quantities of any such goods, wares, or merchandize, which may be laden or stowed in bulk on board such ship or vessel, and where, and in what port, the same were laden and taken on board, upon penalty of forfeiting two hundred pounds current money, recoverable on information in any court within this commonwealth, who shall thereupon enter judgment and award execution for the same, to be applied, one moiety to the use of the informer, and the other to the use of the commonwealth.

Master of vessel when and how to report.

Penalty.

III. *And be it further enacted*, That none of the goods, wares, or merchandizes, liable to the said duties, imported or brought into this commonwealth by water, by any person or persons whatsoever, shall be landed or put on shore until due entry made thereof with the collector of the duties in such port or place, and a true account of the numbers of every cask, and quantity of distilled spirits, wine, snuff, ale, beer, or porter; and also the quantity of salt, hemp, or cordage, as aforesaid, at that port or place where the same was shipped or taken on board, given on oath before the said collector, who shall certify the same upon the back of the original invoice, or a true copy thereof to

Dutiable goods not to be landed till entry, and payment or securing the duties.

Forfeiture of
goods other-
wise landed.

Goods im-
ported by
land, how to
be entered
and duty
paid or se-
cured.

Contents of
certain casks
ascertained.

Penalty for
false entry.

Officers may
enter vessels
and bring a

him produced, and thereupon such importer paying the duties laid by this act, or securing the payment thereof within six months, shall obtain a permit under the hand of such collector, for the landing and delivery of the same. And all spirits, wine, salt, hemp, cordage, snuff, beer, ale, or porter, landed or put on shore, or delivered, contrary to the true intent and meaning of this act, or the value thereof, shall be forfeited and lost, and may be seized or recovered by the said collector of the port or place where the same shall be put on shore or delivered, or by any other person or persons whatsoever; and the owner or importer of any of the aforesaid spirits, wine, salt, hemp, cordage, snuff, ale, beer, or porter, by land, shall, in like manner, make due entry of the same, within ten days after the importation, with the clerk of the county court wherein they are brought, who shall receive the taxes or duties payable thereon, or take bond with good and sufficient security from the importer, for the payment thereof within three months; and the said clerks shall, in case the owner or importer of the said articles shall fail to pay the duties imposed thereon, or give bond as aforesaid, proceed in like manner to seize and sell the same as is directed in the case of seizures made by the collectors or naval officers. *Provided always*, That no person shall be required to give account upon oath of the true contents of any pipe or lesser cask of wine, or any hoghead or lesser cask of spirits imported, but shall have liberty to enter a pipe of wine or hoghead of spirits as aforesaid, at one hundred gallons, and all lesser casks after the same proportion; any thing in this act to the contrary notwithstanding.

IV. *And be it further enacted*, That if any person or persons whatsoever, shall willingly make a false entry, and be thereof convicted, such person or persons shall forfeit and pay two hundred pounds current money, and also forfeit the goods, recoverable on information in any court within this commonwealth, who shall thereupon enter judgment and award execution for the same, to be applied, one moiety to the use of the informer, and the other to the use of the commonwealth.

V. *And be it further enacted*, That the collectors of the duties aforesaid, or any person by them appoint-

ed, shall have full power and authority to go and enter on board any ship or other vessel, and from thence to bring on shore any articles whatsoever, liable to a duty by virtue of this act, if such duty be not paid or agreed for within ten days after the first entry of such ship or vessel, or bond with good and sufficient security given for payment of the same within three months next after such entry, which bond, if offered, the collector is hereby authorized and required to accept and take, and such articles so brought on shore to secure and detain until due payment shall be made, or security given as aforesaid; and if such payment or security be not made or given within two days from the time of such seizure, the collector of the duties aforesaid is hereby empowered to sell the same, or so much thereof as shall be sufficient to discharge the said duties, and five per centum for the charges of such seizure and sale. *Provided nevertheless,* That notice shall be given of such sale, by advertizing the same two weeks in the Virginia Gazette; and they are also empowered to stay and remain on board such ship or vessel until all such wines, spirit, salt, hemp, cordage, snuff, beer, ale, and porter, be discharged and delivered out of the same; and if any collector or collectors of the said duties, or clerks of the county courts, or any other person or persons deputed by them, or any of them, shall directly or indirectly take or receive any bribe, recompence, or reward, in any kind whatsoever, or shall connive at any false entry of the articles liable to a duty or custom by virtue of this act, the person or persons so offending shall forfeit and pay the sum of two hundred pounds current money, and be forever disabled in his said office, and rendered incapable of holding any office or employment relating to the customs within this commonwealth; and the person or persons giving or offering such bribe, reward, or recompence, shall forfeit and pay two hundred pounds current money.

way dutiable goods, if duty not paid or secured.

Proceeding thereupon.

Penalty of collector receiving bribe or conniving at false entry; and on person giving or offering such bribe.

VI. *And be it further enacted,* That it shall be lawful to and for all and every collector and collectors of the duties aforesaid, or clerks of county courts, by warrant under the hand of a justice of the peace, which warrant shall not be granted but upon an information made to him upon oath, and accompanied with a constable, to break open, in the day time, any house,

Collectors, by warrant, and with a constable, in the day time may break open houses to search for dutiable

goods not
paid for.

ware-house, or store-house, to search for, seize, and carry away, any wine, spirits, salt, hemp, cordage, snuff, beer, ale, or porter, liable to a duty by this act, and for which the said duty shall not have been paid or secured to be paid as aforesaid; and if any collector, clerk, or constable, shall be sued or molested for any thing done in execution of the powers hereby given them, such collector, clerk, or constable, may plead the general issue, and give this act in evidence; and if in such suit the plaintiff be non-suited, or judgment pass against him, the defendant shall recover double costs; and in all actions, suits, or informations to be brought, or where any seizure shall be made pursuant to this act, if the property thereof be claimed by any person as the owner or importer thereof, in such case the onus probandi shall lie upon the owner or claimer.

Onus probandi, on whom.

How masters of vessels may secure the duty of goods imported by others.

VII. *And be it further enacted*, That when any wine, spirits, salt, hemp, cordage, snuff, beer, ale, or porter, shall be consigned to any person, other than the master or owner of the ship or vessel importing the same, every person to whom such articles shall be consigned, shall, upon the importation thereof, pay to the master or owner of the ship or vessel importing the same, the duty payable for such articles by this act; and if any person or persons to whom such articles shall be consigned as aforesaid, shall neglect or refuse to pay the said duties, or give bond with security for the payment thereof, to the master or owner of the ship or vessel importing the same, at such time as the same shall become payable, it shall and may be lawful for the master or owner of such ship or vessel to detain such articles until the duty shall be paid, or secured to be paid, as aforesaid.

Proceeding where imported goods are transported from one district to another.

VIII. *And be it further enacted*, That if any importer of any of the goods, wares, or merchandize aforesaid, shall desire to transport the same from one district to another, within this commonwealth, he shall before he depart out of the district where such articles shall be laden or taken on board, make oath before a justice of the peace that the same were legally imported, and the duties secured according to law, and that he will not suffer any other goods to be taken on board his vessel; and the justice will give him a certificate thereof, specifying the marks and numbers of the said goods; and if any other goods shall be found on board

such vessel, they shall be forfeited, one half thereof to the use of commonwealth, and the other half to the use of the informer.

IX. *And be it further enacted*, That it shall and may be lawful to and for the said collectors and clerks to recover the said duties so bonded, by motion made in the general court, or the county court wherein the principal or either of his securities respectively reside, and such court shall give judgment for the sum due on such bonds, with costs, and interest of six per centum on the same, until paid. *Provided always* ten days previous notice in writing shall be given by such collector or clerk to the person or persons so to be moved against; and the said collectors and clerks respectively, shall be allowed for collecting, accounting for, and paying the said duties imposed by this act, into the treasury of this commonwealth, the sum of two and an half per centum on the money so collected by them or any of them; and they are hereby required to account for and pay into the treasury aforesaid, every three months, to wit: On the tenth day of January, on the tenth day of April, on the tenth day of July, and on the tenth day of October, in every year, or within ten days afterwards, all money received by them respectively, on public account, pursuant to this act, upon pain of forfeiting one half of their commissions, to be carried to the credit of the public treasury, and of being suspended from their said office of collector or clerk until such payment be made.

X. *And be it further enacted*, That there shall be paid by the owner or shipper of every hogshead of tobacco laden on board any ship or other vessel for exportation, to any port or place whatsoever, the sum of four shillings, which said duty shall be paid to the inspectors at the time of delivery of the same; and shall be accounted for, and paid by them, at the same time, in like manner, and under the same penalties, as is prescribed and inflicted by the act "To amend and reduce the several acts of assembly concerning the inspection of tobacco, into one act."

XI. *And be it further enacted*, That the aforesaid duties and customs shall be appropriated to the express purpose of paying the principal and interest of the aforesaid certificates, and shall not be applied to any o-

Bonded duties recoverable on motion.

Collectors' commissions

When to account.

Penalty for failure.

Duty on tobacco exported.

Duties appropriated to payment of military certificates

Deficiency to
be supplied
by slave tax.

ther use or purpose whatsoever; and if the said duties and customs shall not be sufficient to pay the interest becoming due annually on the said certificates, and also to pay one eighth part of the principal of the same annually, the first payment of such principal to commence on the first day of January, one thousand seven hundred and eighty-five, the full amount of such deficiencies shall be paid out of the fund arising from the slave tax; and if the amount of such duties and customs shall at any time before the said first day of January, one thousand seven hundred and eighty-five, exceed the amount of interest due on the said certificates, all such overplus shall be paid in discharge of part of the principal in just and equal proportion to the holders of such certificates.

Interest war-
rants receiv-
able for tax-
es.

XII. *And be it further enacted,* To ascertain and establish the credit of the said certificates on the most certain and permanent foundation, that all warrants hereafter granted by the auditors for interest on the said certificates, shall be by them endorsed on the back of such certificate at the time of issuing such warrants, and shall be receivable by the several sheriffs or collectors of taxes within this commonwealth in payment of all taxes whatsoever, and the treasurer shall receive the same of such sheriffs or collectors accordingly.— And in order to prevent frauds and counterfeits, the said auditors shall make a fair and distinct entry of all such certificates and warrants by them granted, in a book to be by them kept for that purpose, and shall supply the treasurer, from time to time, as he may require the same, with a fair and distinct account of all certificates and warrants so issued.

Proceeds of
duties appor-
tioned a-
mong hold-
ers of milit-
ary certi-
ficates.

XIII. And that equal justice may be done to the holders of all such military certificates and warrants; *Be it enacted,* That the treasurer shall, once at least in every six months, and not oftener than once in every three months, proportion the money in his hands, arising from the said duties and customs, equally amongst the holders of the said certificates or warrants, and shall give notice at least two weeks successively in the public gazettes of the proportion in the public treasury, to be paid on such certificates or warrants, and appointing a particular day for such payment, before which day such proportion shall not be paid; and if any of the holders of such certificates or warrants shall fail to

apply for the same on the day appointed by the treasurer for such purpose, the full proportion of the persons failing so to apply shall be retained in the public treasury, to be paid them at any future day when application shall be made for such payment. And the treasurer shall keep a fair and distinct account, in a book for that purpose, of every payment made of certificates or warrants; and when any payment is made in part only of such certificates or warrants, the treasurer, at the time of such payment, shall endorse the same on the back of such certificate or warrant, as the case may be.

Payments to be endorsed, on certificates.

XIV. *And be it further enacted*, That if any person shall counterfeit, alter, or erase, any certificate or warrant issued or to be issued to the officers and soldiers of the continental or state line, or of the navy, by the auditors of public accounts, by virtue of this or any former act of assembly, or shall demand payment of any money on such certificate or warrant, knowing the same to be counterfeited, altered, or erased, or shall be aiding, assisting, or abetting, in such forging or counterfeiting, altering or erasing, he or she shall be deemed and judged guilty of felony, and on being thereof legally convicted, shall suffer death, without the benefit of clergy.

Death to counterfeit warrants, or certificates, issued to army or navy.

XV. *And be it further enacted*, That so much of all and every other act or acts of assembly imposing a tax upon tobacco exported, except the tax imposed by an act of the present session, "To amend and reduce the several acts of assembly for the inspection of tobacco into one act," shall be, and the same is hereby repealed.

Export duty on tobacco.

[Chapter
CLIII in ori-
ginal.]

CHAP. IX.

An act to vest the gun-factory and public lands at Fredericksburg, in trustees for the purposes of an academy.

Gun factory,
at F. eder-
icksburg,
vested in
trustees, for
an academy.

I. WHEREAS all institutions for the education of youth, and the advancement of science, have particular claim to the encouragement and patronage of the legislature; and it is represented to this present general assembly, that the gun-factory at Fredericksburg, and the lands belonging to the public thereto adjoining, will, if converted to the purposes of an academy for the education of youth; and particularly of those whose indigence of situation will otherwise deprive them of that advantage, be of great public utility;

Power of
trustees, to
raise funds,
and appoint
teachers.

II. *Be it therefore enacted*, That the said gun-factory and the lands thereto adjoining belonging to the public, together with all the buildings and appurtenances thereon, be, and the same are hereby vested in Richard Henry Lee, Henry Lee, junior, Joseph Jones, John Skinker, William Fitzhugh, Charles Carter, Edward Stevens, French Strother, William Moore, Thomas Towles, Mann Page, Edmund Pendleton, and Thomas Lomax, trustees, and their successors forever, to be by them, or any seven or more of them, applied for the purposes of establishing thereon an academy, and fitting the same for the education and instruction of youth. That the said trustees and their successors have power to open subscriptions to raise a fund for the establishment and support of the said academy, and from time to time, to continue the same as shall be found necessary, and to maintain suits at law for the recovery thereof. That the said trustees, or any seven or more of them, be empowered, from time to time, to appoint a rector, masters, ushers, and other necessary attendants to the said academy; subject, nevertheless, to be displaced at the discretion of the said trustees, for neglect of duty or other misconduct.

Further pow-
ers of trust-
ees as visi-
tors.

III. *And be it further enacted*, That the said trustees, and their successors, are hereby declared and appointed directors and visitors of the said academy, with

power, from time to time, to establish such rules and regulations for the good government and advancement thereof, as to them, or a majority of them, shall appear necessary, and also to ascertain the rate of education and maintenance to be paid for youths, as well as the fees or salaries of the rector, masters, and other officers. All vacancies in the said trustees, by death, resignation, or refusal to act, shall, from time to time, be supplied by appointment of the residue of the said trustees, or a majority of them.

IV. *Provided always, and be it further enacted, That* if the trustees appointed by virtue of this act, shall not within five years from the passing thereof, convert the said gun-factory and lands thereto adjoining, to the purposes herein directed, that then the said gun-factory and lands thereto adjoining, together with all the buildings and appurtenances thereon, shall forthwith revert to, and be again vested in the commonwealth, in the same manner as if this act had never been made.

If not converted into an academy within five years, to revert to commonwealth.

CHAP. X.

[Chap. CLIV in original.]

An act to amend and reduce the several acts of assembly for the inspection of tobacco, into one act.

[Char. Rev. pa. 188.]

I. WHEREAS the several acts of assembly for the inspection of tobacco, are, from the many alterations made therein, rendered difficult to be understood, whereby many penalties may be incurred; and it is necessary that the said acts should be amended, and reduced into one act; and doubts have arisen whether the said acts, or any, or which of them are now in force; *Be it therefore enacted by the General Assembly, That* no person shall put on board, or receive into any ship or vessel, in order to be exported therein, any tobacco not packed in hogsheads or casks, upon any pretence whatsoever, nor in any hogshead or cask to be in that or any ship or other vessel exported out of this state, before

Preamble.

No tobacco to be exported, but in casks and inspected.

the same shall have been reviewed and inspected according to the directions of this act; but that all tobacco whatsoever, to be received or taken on board any ship or other vessel, and to be therein exported, or to be carried and put on board any ship or vessel for exportation as aforesaid, shall be received and taken on board at the several warehouses for that purpose herein after mentioned, or some or one of them, and at no other place whatsoever: And every master, mate, or boatswain, of any ship or other vessel which shall arrive in this state, in order to load tobacco during the continuance of this act, shall, before the said ship or vessel be permitted to take on board any tobacco whatsoever, make oath before the naval officer of the district wherein such ship or vessel shall arrive, which oath the said naval officer is hereby empowered and required to administer, that they will not permit any tobacco whatsoever to be taken on board their respective ships or vessels, except the same be packed in hogsheads or casks, stamped by some inspector legally thereunto appointed; which oath they shall subscribe in a book, to be kept by the naval officer for that purpose. And if any master shall cause any person who is not legally and bona fide mate or boatswain, to come on shore and take such oath, he shall, for the said offence, forfeit and pay five hundred pounds: And if any master or commander of any ship or other vessel, shall take on board, or suffer to be taken on board the ship or vessel whereof he is master, any tobacco brought from any other place than some or one of the public warehouses herein after mentioned, or any hogshead or cask of tobacco, not stamped by some lawful inspector, or shall suffer to be brought on board, any tobacco, except in hogsheads or casks, stamped as aforesaid, every such master or commander shall forfeit and pay fifty pounds for every hogshead or cask of tobacco which shall not have been brought from one of the said public warehouses, or which shall not be stamped as aforesaid; and moreover, every such hogshead or cask of tobacco shall be forfeited, one moiety thereof to the use of the informer, and the other moiety to the use of the commonwealth.

The oaths of masters of vessels intending to load with tobacco.

Penalties.

No tobacco to be taken on board any vessel in bulk or parcels.

Penalties.

Further penalties for taking on board tobacco.

11. *And be it further enacted*, That if any person, not being a servant or slave, taking upon himself to carry any tobacco to or from any of the said ware-

houses in his boat or other vessel, for hire, shall take ^{co, in bulk} on board, or permit or suffer to be taken on board, any ^{or parcels.} tobacco whatsoever, in bulk or parcels, such tobacco shall not only be forfeited, and may be seized by any person or persons whatsoever, but the master or skipper offending herein, shall forfeit and pay two shillings for every pound weight of such tobacco; and the master or commander of any ship or vessel wherein any tobacco in bulk or parcels shall be found, shall over and above the forfeiture thereof, be subject and liable to the same penalty; to be recovered, if it doth not exceed five pounds, before any two justices of the peace of any county near the place where such ship, boat, or other vessel, shall lie; and if it exceeds five pounds, in any court of record, by action of debt, wherein the plaintiff shall recover his costs. And if any servant, or other person employed in navigating any such boat or other vessel, shall connive at or conceal the taking or receiving on board any tobacco, in bulk or parcel as aforesaid, he shall pay the sum of five pounds, to be recovered as aforesaid; and if such servant or other person shall be unable to pay the said sum, he or they, and every slave so employed, shall, by order of such justice, receive on his bare back, thirty nine lashes well laid on; and if such boat or other vessel be under the care and management of a servant who cannot pay and satisfy the penalty so to be inflicted on the master or skipper offending as aforesaid, then such servant, and every other person employed under him, unable to pay the said penalty, who shall be guilty of conniving at or concealing the taking on board tobacco in bulk or parcels as aforesaid, shall, upon every complaint and proof thereof made to a justice of the peace, have and receive, by order of the said justice, thirty nine lashes well laid on; and if any servant shall again be entrusted with the care and management of any boat or other vessel, and shall be convicted a second time of taking or receiving on board the same, any tobacco in bulk or parcel, contrary to the directions of this act, the owner of such servant shall forfeit and pay the like sum of two shillings per pound for every pound weight of such tobacco so taken or received on board in bulk or parcel, and shall also forfeit and pay ten shillings for every day such servant shall thereafter be employed as skipper or master of any boat or vessel to him be-

Proviso for
sundry pur-
poses.

longing, to be recovered and applied as aforesaid. *Provided nevertheless*, That it shall be lawful for the proprietor or proprietors to break any hogshead of tobacco after it shall be passed and stamped, and to repack and prize the same into small casks for the convenience of stowing, provided it be done at the warehouse where the same was inspected and weighed, marked, and stamped; and the inspectors shall particularize all such casks in their manifests to be given to the masters or skippers of the vessel in which such tobacco be laden. *Provided always*, That nothing herein before contained shall be construed to prohibit any person from carrying, or causing to be carried to the said warehouses, in any boat or other vessel, any tobacco in bulk or parcels, for the payment of his or her levies, debts, or other duties, or to prohibit any person to put or take on board any boat or other vessel, any hogsheads or casks of tobacco to be waterborn to any warehouse appointed by this act, so as the same be not carried out of the naval officer's district wherein the said tobacco shall be made, nor to prohibit the owner of any tobacco to transport his crops, or any part thereof, in hogsheads or casks, from one plantation to another, for the better handling and managing thereof, nor any purchaser of tobacco from bringing the same by water to be repacked, sorted, stemmed, or prized, before the same be carried to the said warehouses, so as such last mentioned tobacco be packed in hogsheads or casks; but no tobacco, on any pretence whatsoever, shall be carried or transported by water to be inspected out of the district limited and appointed for the several naval officers of this state, wherein the same shall be made, or being so carried, shall not be inspected or passed by any inspectors knowing the same to be made out of such district, upon pain of forfeiting, by the owner of such tobacco, and the inspectors who shall pass the same, fifty shillings for every hogshead to the informer. *Provided nevertheless*, That it shall and may be lawful for the inhabitants of Fleet's bay, on the south side of Indian creek, in the county of Lancaster, to carry their tobacco by water to the public warehouse at Indian creek; and the inhabitants at Warrasqueake bay, and the parts adjacent, to carry their tobacco to be passed at any warehouse in the upper district of James river.

Proviso, as
to Fleet's
bay & War-
rasqueake.

III. *And be it further enacted,* That every master of a ship or vessel wherein tobacco shall be laden, shall at the time of clearing, deliver to the naval officer, a fair manifest of all the tobacco on board his ship or vessel, expressing the marks and numbers of every hogshead or cask, and the tare and nett weight stamped thereon, the person by whom shipped, and from what warehouse, and shall make oath thereto, and that the same is a just and true account of the marks, numbers, tare, and nett weight, of each respective hogshead or cask, as the same was taken down by the person or persons appointed by him to take the same before the said tobacco was stowed away; and no ship or vessel shall be cleared by the naval officer before he shall have received such list and manifest, which shall by the said naval officer be transmitted to the treasurer of this commonwealth for the time being.

Masters of vessels to give in upon oath a manifest of their tobacco when clearing out.

IV. *And be it further enacted,* That if the skipper of any boat or vessel, or the person or persons to whom the care and management thereof shall be entrusted, shall land or put on shore any hogshead, cask, or package of tobacco, put on board the same to be carried to any public warehouse at any other place or places than the warehouses by this act appointed for the reception and inspection of tobacco, or at some or one of them, or the wharfs or other landing to such warehouse or warehouses belonging, or shall put the same on board any other vessel, or suffer the same to be done, so as the same be not delivered at some of the said public warehouses, without fraud or embezzlement, or shall open any hogshead or cask of tobacco so as aforesaid waterborn and landed, and take thereout any tobacco before the same be received by the inspectors according to the directions of this act; or after the same has been viewed shall fraudulently open any hogshead or cask, and take thereout any tobacco, every such offence shall be judged felony, and the offender or offenders shall suffer as in the case of felony. *Provided always,* That nothing herein before contained shall be construed to prohibit the landing or putting on shore any hogshead, cask, or package of tobacco, out of any boat or other vessel, which by distress of weather shall be forced on ground, or become leaky, so as such landing be really and bona fide for the preservation of the tobacco

Relanded tobacco must be at some public warehouse.

Penalty for that or opening hogsheads & taking out tobacco
Exception as to tobacco landed in distress of weather.

Provision for
tobacco da-
maged.

laden in such vessel, and that the same may with all convenient speed be thereafter carried to the warehouse or ship (as the case may be) to which it was designed, without embezzlement. *Provided also*, That if by any of the accidents aforesaid, or negligence of the master or skipper of any vessel, any tobacco which hath been viewed and stamped, shall in its carriage to the ship or vessel in which it is intended to be exported, receive so much damage as that the master of such ship or vessel will not receive it on board, every hogshead or cask of tobacco so damaged shall with convenient speed be carried to some warehouse appointed by this act, and there lodged until the owner of the said tobacco, or master of the vessel in which it was damaged, shall have separated the same and repacked the good tobacco, and then the same shall be weighed and stamped with the weight by the inspector attending such warehouse without fee or reward; but if the owner of such tobacco, or the master of the vessel in which it was damaged, shall fail or delay to separate and repack the same within ten days, then the inspectors at the warehouse where such damaged tobacco shall be landed, shall, and they are hereby required to separate, repack, weigh, and stamp the same; and such inspectors shall receive of the owner ten shillings for their trouble and nails.

Warehouses
established.

And be it further enacted, That public warehouses for the reception of tobacco, pursuant to this act, shall be kept at the several places herein after mentioned, that is to say: In the county of Accomack, at Pitt's land, upon Poquoke, at Guilford, and at Pungoteague, under one inspection; in the county of Caroline, at Roy's; in the county of Charles City, at Kennon's; in the county of Dinwiddie, at Bolling's point, Bollingbrooke and Cedar point; in the county of Essex, at Hobb's Hole, at Bowler's, and at Layton's; in the county of Fairfax, at Colchester, at Alexandria, and at the falls of Potowmack; in the county of Gloucester, at Poropotank, and at Deacon's neck; in the county of Hanover, at Page's, and at Meriwether's; in the county of Chesterfield, at Rocky Ridge, at Warwick, at Osborne's, and at John Bolling's; in the county of Henrico, at Byrd's, at Shockoe, and at Rockett's; in the county of Isle of Wight, at Smithfield, and at Fulgham's, under one inspection; in the county of King

and Queen, at Shepherd's, at Mantapike, and at Frazer's, in King William, under one inspection; and at Todd's in King and Queen, and at Aylett's, in the county of King William, under one inspection; in the county of King George, at Boyd's Hole, & Machodack, under one inspection, and at Gibson's; in the county of Lancaster, at Davis's and Lowry's, under one inspection, and at Deep Creek and Glasscock's, under one inspection; in the county of Northumberland, at Coan and North Wicomico, under one inspection; and south Wicomico and Indian creek, under one inspection; in the county of Middlesex, at Urbanna; in the county of Nansemond, at Milner's, and Wilkinson's; in the county of Northampton, at Cherrystones and Naswaddox, under one inspection; in the county of New Kent, at Littlepage's, and at the Brick-House; in the county of Prince George, at Boyd's, Davis's, and Blandford; in the county of Prince William, at Quantico and at Dumfries; in the county of Richmond, at Cat point, and at Totusky; in the county of Surry, at Gray's creek, and at Low point; in the county of Stafford, at Falmouth, at Aquia, and at Dixon's; in the county of Spotsylvania, at Fredericksburg, and at Royston's; in the county of Warwick, at Denbigh; in the county of Westmoreland, at Nomini, at Leed's, and Mattox, under one inspection; at Yocomico and Rust's, under one inspection; at the College landing, in the county of James City, and at York town, in the county of York, under one inspection; at Hampton, in the county of Elizabeth city.

VI. *And be it further enacted*, That the rents of the several warehouses hereby established, shall be and they are hereby established at the following rates: At Pitt's and Guilford's, ten pounds; at Pungoteague, eight pounds; at Cherrystone's and Naswaddox, eight pounds; at Hampton, ten pounds; at College landing, ten pounds; and at all the other warehouses there shall be allowed and paid for the rents of the same, one shilling and six pence for every hogsheaf of tobacco that already have been or shall be received, inspected, and delivered out of such warehouses respectively. And there shall be paid to the proprietors of each warehouse, for all tobacco lying therein more than twelve months, at the rate of three pence per month for each hogsheaf to be paid by the shipper thereof at the time of

Rents of
warehouses.

Proviso as to
wharves

shipping the same. *Provided always*, That where wharfs are or shall be necessary to be built or kept in repair at any of the said warehouses, and the rents hereby established are not sufficient for building and keeping in repair such wharfs, or where any new warehouse shall hereafter be built in pursuance of this act, and the rent hereby established shall not be proportionable to the expence of such building, in both the said cases such further allowance shall be made by the general assembly as shall be thought reasonable; and the rents aforesaid, together with the inspectors salaries, shall be paid and allowed by the treasurer to the several inspectors upon the passing their accounts, and the inspectors shall pay the rents to the persons entitled to receive the same, out of the money received by them for inspecting tobacco; and if the money received by the inspectors at any warehouse shall not be sufficient to pay the salaries and rents aforesaid, and other incident charges in this act mentioned, such deficiency shall be made good out of the general fund arising by the profits of the other warehouses; and if that shall prove deficient, then the said rents and charges, together with the inspectors salaries, shall be paid and satisfied out of any other public money in the hands of the treasurer, for the time being, not otherwise appropriated by law.

Proprietors
of old ware-
houses to let
them to in-
spectors.

VII. *And be it further enacted*, That where the ware-houses are already built at any of the places herein before mentioned, and appointed for keeping the same, and are now made use of for public ware-houses, the proprietors and owners of such ware-houses shall be, and they are hereby obliged, to let the same to the inspectors during the continuance of this act, at the rent hereby established for such ware-houses respectively; and if any proprietor or owner shall refuse so to do, he shall forfeit and pay five hundred pounds; and where ware-houses are not already built at any of the places aforesaid, or where any new ware-houses shall be hereafter appointed to be kept at any other place, it shall be lawful for the justices of the court of that county, wherein such place is or shall be, and they are hereby required, at the next court to be held for their county after the commencement of this act, or after such new ware-house shall be so appointed (as the case may be) to order and direct so many strong, close.

Courts to di-
rect the
number and
kind of new
warehouses
and wharves

and substantial houses, secured with strong doors, hung on iron hinges, and with strong locks or bolts, as will contain sufficient room for two thirds of the number of hogsheads, which, in their opinion, will be annually brought to the same, and one brick square or funnel six feet high at least, and four feet diameter, with a proper arch at the bottom of the same, for burning tobacco refused and picked, at such ware-houses, and such wharfs and other conveniences, as shall be necessary; and shall cause the owner or proprietor of the land where such ware-houses are appointed to be kept, and if such owner or proprietor be under age, female covert, or out of the country, then the guardian, husband, or known attorney, or agent (as the case may be) of such owner or proprietor, to be summoned to appear before them at the next succeeding county court, after such summons shall issue, there to declare whether they will undertake to erect and build such houses, funnel, wharfs, and other conveniences, and let the same to the inspectors appointed to attend at such ware-houses, at the rent settled by this act, or which shall be hereafter settled for the same; and in case such owner, guardian, husband, known attorney, or agent, will undertake the same, then the said court shall, and they are hereby required, to take bond with sufficient security, in a reasonable penalty, payable to the governor and his successors, to the use of the commonwealth, with condition for the due performance of such undertaking. And if such owner, guardian, husband, known attorney, or agent, shall refuse to undertake the same, or give such bond as aforesaid, then it shall be lawful for the said justices, and they are hereby required, to value an acre of the said land, and to pay or tender to the proprietor, his or her guardian, husband, known attorney, or agent, the value thereof, which shall be repaid to the said justices by the public; and from thenceforth the justices of the county for the time being, shall be seized in fee of the said land, in trust, and for the use of the public, during the time the said place shall be made use of for a public ware-house; and the said justices shall agree with some person or persons to erect and build thereon such houses, funnels, wharfs, and other conveniences, as is herein before directed, and shall certify the charge thereof to the treasurer of this state for the time being, who is

And take bond with security of the proprietor if he chooses to build and let them

If he refuses the land paid for and houses, &c. built at expense of the public and rents paid to treasurer.

hereby directed and required to pay the same out of the public money in his hands, arising from the inspection of tobacco, and shall take and receive of the inspectors the rent established at such ware-houses for reimbursing the public the charge of such buildings, until the same shall be repaid, with lawful interest.— And where the justices of any county court, or any other person or persons, have already built ware-houses on lands of another person, by virtue of, or in pursuance of, the laws lately or now in force, the said justices, or other person or persons, shall in like manner be seized in fee of the acre of land upon which such ware-houses are built, so long as the said places respectively shall be made use of for public ware-houses; but if any of the ware-houses which are or shall be built by the public, the justices, or other persons, shall hereafter be discontinued, the proprietor of the land, returning the price paid for the same, with lawful interest, shall be thenceforth seized of his former estate.

Warehouses discontinued, how proprietors re-vested.

Inspectors yearly to lay before the court an account of tobacco inspected and condition of the houses.

Court may order houses to be repaired or secured, and new houses built if necessary.

VIII. *And be it further enacted*, That the inspectors at the several ware-houses shall, at the court to be held for their respective counties in the month of September yearly, or at the next succeeding court, produce and render into court an exact account, under their hands, of the number of hogsheads of tobacco inspected at their respective ware-houses the preceding year, and of the condition of the ware-houses under their charge, and the quantity of tobacco they are capable of containing, and thereupon such court, if they shall not be satisfied that the ware-houses already built at any of the said inspections are properly secured, and contain sufficient room for two thirds of the number of hogsheads mentioned in such account to be conveniently stowed, shall enter an order that the owner or proprietor of such ware-houses shall, within such reasonable time as the said court shall think fit to allow, repair and make close the ware-houses already built, and secure the same with strong doors hung on iron hinges, and with strong locks or bolts; and that such owner or proprietor shall also before the first day of April, in the ensuing year, erect, build, and completely finish, such and so many other strong, close, and substantial houses, as with the other houses already built, shall be sufficient, in the opinion of such court, conveniently to contain two thirds of the quan-

ity of tobacco, mentioned in such inspectors account, and secure the same in the manner herein before directed; a copy of which order shall be served on such owner or proprietor, or his or her guardian, husband, attorney, or agent, (as the case may be) and if such owner or proprietor, his, or her guardian, husband, attorney, or agent, shall fail to appear at the next succeeding court, after such notice, and enter into bond with sufficient security, in a reasonable penalty, payable to the governor for the time being and his successors, with a condition for the due performance of the same, then it shall be lawful for the said court, and they are hereby required, to cause such repairs and houses to be made and built as aforesaid, and shall certify the charge thereof to the treasurer of this state for the time being, who is hereby required to pay the same out of the public money in his hands, arising from the inspection of tobacco, and shall take and receive from the inspectors the whole or a proportion of the rents established at such ware-houses, for reimbursing the public the charge of such buildings and repairs, with interest thereon, which proportion shall be settled by the court, and by them certified to the treasurer; but if there shall appear to be an immediate occasion to hire houses before others can be built as aforesaid, the rent of such houses shall be paid by the public, without any charge upon the landlord. *Provided*, That where two or more inspections are established in one county, within the distance of six miles, and that it shall be necessary to build more houses at any of them, the court shall direct the building such additional houses, at such of the said inspections as to them shall seem most proper, and if there shall be in the whole sufficient house room, according to the directions of this act, for two thirds of the tobacco brought to such inspection, the court shall not direct the building other houses at any of them.

By the proprietor or public.

Proviso for united inspections.

IX. *And be it further enacted*, That if any county court shall fail or refuse to do their duty in directing such houses, funnels, and wharfs, and other necessary conveniences at the places established by this act for erecting new ware-houses, or such additional buildings and repairs at the places where houses are already built, and causing the same to be built or made according to the directions of this act, every justice so failing

Penalty on county courts for neglect.

Conveniences not to be taken from proprietors.

Nor inspectors to keep horses, cattle, or hogs, on the land.

How proprietors may be restored to former estate;

But if he again fails to build or repair, to be re-vested in the public.

Waste or destruction of warehouses, how to be punished.

or refusing shall forfeit and pay thirty pounds; to be recovered in the general court with costs, by action of debt or information against such justices jointly. *Provided always*, That nothing herein contained shall be construed to give power to the said justices to take away the houses, orchards, or other immediate conveniences of any proprietors of lands for the purposes aforesaid, nor to the said inspectors to keep any horses, cattle, or hogs, at any public ware-houses, except their riding horses, upon the land appointed for such ware-houses; and if any swine belonging to the said inspectors, or any of them, shall be found at large upon the land appropriated for such ware-houses, or the lands adjoining thereto, it shall be lawful for the proprietors of the said lands to kill, or cause to be killed or destroyed, all such swine. *Provided also*, That where any ware-houses have been or shall be built by the justices or other persons as aforesaid, and the first proprietor of the land shall desire to have the same again, such proprietor, upon payment of so much money as shall be sufficient to reimburse the said justices or other person the principal money expended for the purchase of the land and the building such ware-houses, with lawful interest, deducting the rents received by the said justices or other person, shall be restored to his former estate in the land whereon such ware-houses are built, and shall receive the rents aforesaid growing due for such ware-houses. *Provided also*, That if any proprietor so as aforesaid restored to his estate, shall neglect or refuse to build and repair such houses and whars as the court shall think necessary, the justices shall again be seized of the fee simple estate in such land during the time such place shall be made use of for a public warehouse, and such proprietor shall not have any benefit of the rents that shall hereafter become due.

X. *And be it further enacted*, That on complaint being made by the owner or owners of any of the ware-houses aforesaid, to any justice of the peace in the county where such warehouse shall lie, against any person or persons for breaking, tearing, or committing any waste or destruction of, or in, such warehouse or warehouses, it shall be lawful for such justice, and he is hereby empowered and required, to give judgment and award execution against the body or estate of such

offender if found guilty, for all damages occasioned by such breaking, tearing, or waste or destruction, provided, such damages do not exceed the sum of twenty-five shillings in his opinion; and if such damages shall exceed that sum, then it shall be lawful for such owner or owners to commence and prosecute his or their action at law against any such offender, in any court of record within this state, in which the plaintiff shall recover costs, although the damage shall be under forty shillings.

Scales and weights to be provided,

XI. *And be it further enacted*, That there shall be kept at every one of the said warehouses herein before appointed, and at all others hereafter to be appointed, a good and sufficient pair of scales with weights to weigh fifteen hundred pounds at the least, and a set of small weights the same that are or ought to be provided for the standard weights of each county; and where such scales and weights are not already provided, or now are or shall hereafter be worn out or become unfit for use, the justices of the respective county courts wherein any of the said warehouses are or shall be, are hereby directed and required to provide the same with all convenient speed; and the treasurer for the time being, is hereby empowered and required to pay the purchase money out of the public money in his hands arising from the inspection of tobacco; and moreover the said justices are hereby required and directed, twice in every year at least, to appoint one or more of their number to view the said scales, and examine and try the weights at the several warehouses by the standard weights of the county, and if the said scales and weights shall want repairing, or the weights be found deficient or differing from the lawful standard, the said justices shall cause the same to be repaired and mended; and the weights made conformable to the standard; and if the justice or justices so appointed, shall refuse or neglect to do the same, the justice or justices so refusing, shall forfeit and pay the sum of fifty pounds; and the charge of repairing and amending the said scales and weights, and also for removing the standard to the several warehouses for trying the same, shall be paid by the inspectors respectively, and be again allowed to them in their accounts with the treasurer.

And tried & repaired twice a year.

XII *And be it further enacted*, That all tobacco which shall be brought to any of the public warehouses

Inspectors, how nominated and commissioned,

es shall be viewed, inspected, and examined, by two persons to be thereunto appointed, who shall be called inspectors, which said inspectors shall be appointed in the following manner, that is to say: The courts of the several counties within this state, wherein any of the public warehouses appointed by this act are established, shall, and they are hereby required, once in every year, and no oftener, at their respective county courts held in the months of August or September, to nominate and recommed to the governor, for the time being, for so many offices of inspection as are or shall be in their respective counties, four fit and able persons, reputed to be skilful in tobacco, for the execution of the office of inspectors; and where two ware-houses, under one and the same inspection, happen to lie in different countries, in that case the court of each county shall nominate and recommend two for such inspection, which nomination the said court shall cause to be entered upon record; and the clerks of the said courts shall, and they are hereby required, forthwith to transmit a certificate of the same to the clerk of the council; and out of the said four persons nominated and recommended for each inspection, the governor, with advice and consent of council, shall choose and appoint two to execute the office of inspectors at such inspection; and in default of such nomination or recommendation by the county courts as aforesaid, the governor, with the like advice and consent, shall appoint such persons as he shall think fit to be inspectors at such inspection for which no nomination or recommendation shall be made as aforesaid; and also in case of the death, resignation, or removal of any inspector, the governor shall and may appoint any person named in the last recommendation from the county court for that inspection where the vacancy shall happen, to succeed him until the next nomination and appointment of inspectors; but if either of the persons named in such last recommendation, will not accept the said office, in that case the governor, with the advice and consent of the council, may appoint any other person they shall think fit; and besides the two inspectors appointed as aforesaid, the governor, for the time being, with the advice of the council, shall appoint one of the persons recommended with such inspectors, to be additional inspector at the warehouse for which he shall be recommended, which

An additional inspector, and when to act.

additional inspector shall officiate as such only in cases of the disagreement in opinion of the other inspectors as to the quality of tobacco brought to their inspection, or where either of them shall through sickness or otherwise be absent from his duty, or shall bring his own tobacco to the warehouse whereof he is inspector, to be viewed; and the said additional inspector shall be paid for the services he shall perform, by occasion of the absence of either of the other inspectors, out of the salary of such absentee, in proportion to the time he shall officiate.

XIII. *And be it further enacted,* That if any inspector shall hereafter accept, receive, or take directly or indirectly, any fee, gratuity, service, or reward whatsoever, of any person, for resigning or giving up his office of inspector, he shall not only be forever disabled from holding the like office, but for such offence shall forfeit and pay the sum of two hundred pounds, to be recovered with costs, by action of debt, in any court of record within this state, by any person suing for the same; and every person offering or paying, directly or indirectly, any fee, service, gratuity, or reward whatsoever, to any inspector to resign his said office, shall for the said offence, be forever disabled from holding the office of inspector within this state. *Provided always,* That no justice of the peace, being an inspector, or recommended to be an inspector, shall be allowed to vote in nomination and recommendation of persons to be inspectors as aforesaid; and where any person once recommended as aforesaid, and executing the office of inspector in pursuance of such recommendation, shall be again recommended the succeeding year, the same shall be a sufficient appointment to him to continue in the said office for another year without any new commission, and so from year to year, so long as he shall be so recommended as aforesaid.

No inspector to take a reward for resigning.

Penalty on giver & receiver.

No inspector to vote in recommendation.

Inspector in office recommended continue without new commissions

XIV. *And be it further enacted,* That every person appointed, or to be appointed, inspector by virtue of this act, shall, before he enters upon the execution of the said office, enter into bond with good security, in the penalty of one thousand pounds, payable to the governor, for the time being, and his successors, with condition for the true and faithful performance of his duty, according to the directions of this act; which bond shall be recorded in the county, and transmitted

Inspector to give bond and take oath.

Form of oath

by the clerk of the court to the treasurer, under the penalty of one hundred pounds, who shall move for judgment against every inspector failing to discharge the same within two months after failure, under the penalty of one hundred pounds; and every such inspector shall also take the following oath at the time he gives bond, that is to say: "You shall swear, that you will, diligently and carefully view and examine all tobacco brought to the public ware-house or ware-houses where you are appointed inspector, and that not separately and apart from your fellow, but in his presence; and that you will not receive or pass any tobacco that is not, in your judgment, sound, well conditioned, merchantable, and clear of trash; nor receive, pass, or stamp, any tobacco hogshead or cask of tobacco, contrary to the act, intituled, "An act to amend and reduce the several acts of assembly for the inspection of tobacco, into one act," nor refuse any tobacco that, in your judgment, is sound, well conditioned, merchantable, and clear of trash; and that you will not change, alter, or give out, any tobacco, other than such hogsheads or casks for which the receipt to be taken was given; but that you will in all things well and faithfully discharge your duty in the office of an inspector, according to the best of your skill and judgment, and according to the directions of this act, without fear, favor, affection, malice, or partiality. So help you God." Which oath shall be taken before the governor of this state for the time being, before the general court, or in the court of the county wherein such inspector shall reside, or the ware-houses at which he shall be inspector shall stand. But before any inspector shall enter upon the execution of his office, he shall produce a certificate, if sworn before the governor or general court, as the case may be, of his having taken such oath; which certificate shall be lodged with the clerk of the county where such inspector shall be. And if any person shall presume to execute the office of inspector, before he shall have given such bond, and taken such oath as aforesaid, he shall forfeit and pay five hundred pounds.

Penalty.**Time inspectors are to attend.**

XV. *And be it further enacted,* That all inspectors to be appointed by virtue of this act, shall constantly attend their duty at the ware-house or ware-houses under their charge, from the first day of October, to the

tenth day of August, yearly, except Sundays, and the holydays observed at Christmas, Easter, and Whitsuntide, or when hindered by sickness; and afterwards they, or one of them, shall constantly attend at the same, except Sundays, to deliver out tobacco for exportation, until all the tobacco remaining there the said tenth day of August shall be delivered; but no inspector shall be obliged to view any tobacco between the said tenth day of August and the said first day of October, except such as remained in the ware-house on the said tenth day of August. And every inspector neglecting to attend as aforesaid, shall forfeit and pay to the party grieved five shillings for every neglect; or shall be liable to an action upon the case of the party grieved, to recover all such damages as he or they shall have sustained by occasion of any such neglect, together with his or their full costs, at the election of such party. And that all persons having tobacco at the public ware-houses may have equal justice, the inspectors shall enter in a book, to be kept for that purpose, the marks and owners names of all tobacco brought to their respective ware-houses for inspection, as the same shall be brought in, and shall view and inspect the same in due turn, as it shall be entered in such book, without favor or partiality; and shall uncase and break every hogshead or cask of tobacco brought them to be inspected as aforesaid; and if they shall agree that the same is good, sound, well conditioned, merchantable, and clear of trash, then such tobacco shall be weighed in scales with weights of the lawful standard, and the hogshend or cask shall be stamped in the presence of the said inspectors, or one of them, with the name of the ware-house at which inspected, and also the tare of the hogshead or cask, and quantity of nett tobacco therein contained. And the inspectors at such ware-houses shall issue a receipt for each hogshead of tobacco they shall pass, if required by the owner, which receipt shall be in the form following, to wit:

Penalty for
not attend-
ing.

Tobacco to
be entered
as brought
in, and view-
ed in due
turn.

Each hogs-
head to be
uncased and
viewed, and
if found
good, stamp-
ed receipts
given.

RECEIVED of
hogsheads of
crop tobacco, marks,
numbers, weights, &
species, as per mar-
gin; to be delivered
by us to the said
or his order, for ex-
portation, when de-
manded. Witness our
hands.

Form of the
receipt,
which is to
be printed,
for crop to-
bacco.

| | | | |
|----------------|--------------|--------------|-------------|
| River. | day of | , 178 | Oronoko. |
| Warehouse, the | Stemmed. | | Leaf. |
| Sweet scented. | | | |
| Marka. No. | Gross. Tare. | Nett. Gross. | Tare. Nett. |

And no inspector or inspectors shall, under any pre-
tence whatsoever, issue a receipt for any tobacco other
than such as shall be printed, in which the date shall
be inserted at full length. And if any inspector or in-
spectors shall presume to issue a receipt in any other
manner than is hereby expressed, he or they, for every
such offence, shall forfeit and pay the sum of one hun-
dred pounds, to be recovered with costs, by any per-

you who may sue for the same, in any court of record within this state; which receipts as aforesaid, shall be furnished by the public printer, and at the public expense. But if the said two inspectors shall at any time disagree concerning the quality of any tobacco brought for their inspection to any ware-house under their charge, they shall, as soon as conveniently may be, call in the additional inspector appointed to attend such ware-house, who shall determine, and pass or reject such tobacco; and if he shall pass the same, his name shall be entered in a book kept by the inspectors, opposite the mark, number and weight, of the hog-head by him passed, together with the name of the inspector at such ware-house who shall officiate with him. And the inspectors at each of the ware-houses established by this act, shall constantly keep so many able hands at their respective ware-houses, not exceeding two, as the courts of the several counties wherein they lie shall from time to time judge necessary and direct, for the purpose of taking care of all tobacco brought to such ware-house, and stowing it away after the same shall be inspected and stamped. And no inspector shall, by himself, his servant, or any other person, either directly or indirectly, be concerned in picking any refused tobacco, unless it be his own property, on any pretence whatsoever, under the penalty of being for ever thereafter disabled from holding the office of inspector.

Where the inspectors disagree.

What hands the inspectors shall keep.

Inspectors or servants, not be concerned in picking tobacco.

XVI. *And be it further enacted*, That when any tobacco shall be refused by the inspectors, the proprietor thereof shall be at liberty to separate the good from the bad; but if he refuses or neglects so to do within one month of such refusal, the inspectors shall employ one of the pickers attending the ware-house, to pick and separate such refused tobacco, and give the owner credit for so much thereof as shall be found merchantable, after paying the pickers one fifteenth part of the quantity saved; and the inspectors shall cause the tobacco which shall by them be judged unfit to pass, to be burnt in the brick funnel, erected or to be erected at such ware-house, under the penalty of forty shillings for every failure to the informer, recoverable with costs, before any justice of the county wherein such ware-house shall lie.

Refused tobacco may be picked.

If unfit to pass, to be burnt.

XVII. And whereas it has been found that many persons attending the ware-houses under the denomination of tobacco pickers, have been found guilty of great frauds, impositions, and abuses therein: For remedy whereof, *Be it enacted*, That the courts of the several counties wherein any of the public ware-houses appointed by this act are established, shall, and they are hereby required, to nominate and appoint, from time to time, such and so many persons as to them shall seem necessary, who are willing to undertake the same, to attend the several ware-houses within this state, to turn up, sort, separate, and pick such tobacco as shall be refused by the inspectors. And every person so appointed a picker, shall make oath before the court at the time of his appointment, or at the next succeeding court, that he will carefully and diligently, without fraud or embezzlement, sort and separate all such tobacco as shall be refused by the inspectors, and the owner or proprietor thereof, or the inspectors, shall employ him to pick. And every picker of tobacco shall be allowed to demand and receive from the respective proprietors, one shilling and three pence per hogshead for opening, and one fifteenth part of all the tobacco saved out of any refused hogshead by him picked, for his services in opening, sorting, and picking the same, and no more. And no picker of tobacco shall keep or employ any negro or mulatto slave at any public ware house, on any pretence whatsoever; nor shall any picker presume to hinder any person who may choose to open their own tobacco, or to pick what may be refused by the inspectors, from the free use of the picking house and prize for the conveniency of picking and prizing the same. And if any picker shall misbehave himself in his said office, it shall and may be lawful for the court of the county where such picker shall be appointed, on complaint and motion to them made, to remove such picker from his said office, and to appoint another person to act in his room, if to them it shall seem necessary; and every picker so removed, shall for ever after be rendered incapable of serving as picker at any public ware-house, provided such picker hath ten days previous notice of such motion; and any person who shall be aggrieved by any such misbehaviour in a picker, may make complaint thereof to any justice of the peace, who is hereby em-

Pickers,
how to be
appointed.

Their oath.

Allowance.

Duty.

Punishment
for misbehaviour.

powered and directed to take depositions therein, provided such picker have notice thereof, and to transmit the same to the next court to be held for the county where the offence shall be committed, to be there given in evidence on the examination into such misbehaviour. And if any person, not being appointed and sworn as aforesaid, shall presume to undertake the opening, sorting, picking, or separating any such tobacco for hire or reward, every person so offending shall forfeit and pay twenty shillings for every such offence; to be recovered by the informer to his own use before any justice of the peace. *Provided*, That any proprietor of tobacco who may choose to open, pick, and prize his own tobacco, may employ his own servants or slaves, or any other person or persons, other than the hands kept by the inspectors, to assist him in opening, picking, or prizing the same; and the person or persons so employed, shall not incur or be subject to the last mentioned or any other penalty or forfeiture for so doing; and the inspectors shall issue receipts for all tobacco saved by picking to the proprietors only of such tobacco, and not to the pickers of the same. And the inspectors shall not suffer or permit any picker to prize up any tobacco, that he shall have saved by picking, for his own use. And if any tobacco packed in any hogshead or cask by an overseer, or the hands under his care, shall be burnt by the inspectors by reason of its being bad, unsound, or not in good condition, the overseer who had the care of making and packing the same shall be at the loss of the tobacco so burnt, and make satisfaction for the same out of his share of the crop, or otherwise; and the inspectors shall be obliged to keep an account of all tobacco so burnt.

Penalty for picking, without being so appointed, except by the proprietor, his hands, or others.

Overseers liable for tobacco refused & burnt.

VIII. *And be it further enacted*, That where any tobacco shall be brought to any of the said ware-houses for the discharge of any public or private debt or contract, the said inspectors, or one of them, after they have viewed, examined, and weighed the said tobacco, according to the directions of this act, shall be obliged to deliver to the person bringing the same, as many receipts, under the hands of the said inspectors, as shall be required for the full quantity of tobacco received by them, in which shall be expressed whether the tobacco so received be sweet scented or Oronoko, stemmed or leaf; which receipt shall be in the form

Form of
transfer re-
ceipts.

Their date
and curren-
cy.

Weight of
tobacco priz-
ed in dis-
charge of
notes.

6s. inspec-
tion, and 3s.
6d. for priz-
ing & nails.

following, to wit: " river, number
ware-house, the day of , 17
Received of , pounds of transfer tobacco,
to be delivered on demand to him or to his order, ac-
cording to the directions of the act, intituled, "An act
to amend and reduce the several acts of assembly for
the inspection of tobacco, into one act. Witness our
hands." And shall bear date the day the tobacco for
which the same is given shall be received and passed,
and shall be current in all tobacco payments, accord-
ing to the species expressed in the receipt, within the
county wherein such inspectors shall officiate, and in any
other county next adjacent thereto, and not separate
therefrom by any of the great rivers or bay herein after
mentioned, that is to say:—James river, below the
mouth of Appomattox; York, below West-Point; Rap-
pahannock, below Taliaferro's Mount or by the bay
of Chesapeake; and shall be transferable from one to
another in all such payments, except as herein is ex-
cepted; and shall be paid and satisfied by the inspect-
or or inspectors who signed the same upon demand.—
And for every hogshead of tobacco brought to any
public ware-house and transferred, there shall be al-
lowed by the inspectors thereof, to the person bringing
the same, after the rate of four pounds of tobacco for
every hundred pounds of tobacco the said hogshead
shall contain, for the cask, so as such allowance do
not exceed thirty pounds of tobacco, provided the cask
or hogshead is good, and of such dimensions as is
herein after expressed; and the said inspectors shall,
and they are hereby obliged, to make every hogshead
by them paid away in discharge of any receipt by them
given as aforesaid, to contain one thousand pounds of
nett tobacco at the least; and for every hogshead of to-
bacco by them paid away, well lined and nailed, fit
for shipping, there shall be paid by the person ship-
ping such hogshead, six shillings for inspection, and
three shillings and six pence for prizing and nails;
which said sum of three shillings and six pence the in-
spectors may retain in their hands for their own use,
to reimburse them the expense and trouble of providing
nails and prizing. And the person demanding or re-
ceiving tobacco in discharge of receipts as aforesaid,
shall allow to the inspectors thirty pounds of tobacco
for each hogshead so received for the cask, and two

pounds of tobacco for every hundred pounds of tobacco contained in such receipts, and so in proportion for a greater or lesser quantity, for shrinkage and wasting, if the said tobacco be paid within two months after the date of the receipt given for the same, and one pound of tobacco for every hundred for every month the same shall be unpaid after the said allowance, so as such allowance for shrinkage and wasting do not exceed in the whole six pounds of tobacco for every hundred. And if any inspector or inspectors, by whom any such receipts for tobacco as aforesaid shall be signed, shall refuse or delay to pay and satisfy the same when demanded, every inspector so refusing or delaying, shall forfeit and pay to the party injured double the tobacco so refused or delayed to be paid; to be recovered with costs, in any court of record within this state, if the receipt or receipts so refused or delayed to be paid exceed two hundred pounds of tobacco; and if the said receipt or receipts do not exceed two hundred pounds of tobacco, the double value aforesaid shall and may be recovered, before any justice of the peace of the county wherein the ware-house shall be at which the receipt or receipts ought to be paid.

Allowance to be made for cask and shrinkage.

Remedy against inspectors.

XIX. *And be it further enacted,* That all tobacco brought to any of the said ware-houses in hogsheads, to be exported on account, and for the use of the owner thereof, after the same shall have been received, examined, found to be good, and weighed, shall be stamped as herein before directed; and the said inspectors, or one of them, shall deliver to the person bringing the same, as many receipts signed as aforesaid, as shall be required for the number of hogsheads so brought, and stamped, in which shall be expressed, whether the tobacco so received be sweet scented or Oronoko, stemmed or leaf, and whether the same be tied up in bundles or not; and where any hogshead hath part leaf and part stemmed, shall signify the same at the bottom of the receipt, and they shall not mix stemmed and leaf tobacco in any hogshead which they shall prize, and pay away in discharge of their transfer receipts; and for every hogshead brought to any of the said ware-houses, to be exported by land or by water out of this state, there shall be paid to the inspectors attending at such ware-houses, by the exporter at the time of demanding the same for exportation, the sum of six shil-

How receipts are to be given for crop tobacco.

Six shillings inspection tax to be paid by exporter.

LAWS OF VIRGINIA,

Penalty on inspectors changing tobacco.

Or failing to deliver it, when demanded.

To transfer crop tobacco.

Rule as to paying pickers.

Stemmed tobacco to be laid straight.

lings; and the owners of the tobacco shall find and provide nails sufficient for securing and nailing thereof, and where they shall fail so to do, the inspectors at such ware-house shall furnish nails for the purpose aforesaid, and shall be allowed and paid by the owner eight pence for each hogshead so secured. And if any inspector or inspectors shall alter, change, or deliver out, any hogshead of tobacco, other than the hogshead for which the receipt for crop tobacco to be taken in, was by him or them given; or shall alter or change any such tobacco, although no such receipt shall have been given, such inspector or inspectors shall forfeit and pay fifty pounds for every hogshead so altered, changed or delivered out. And if any inspector shall fail or refuse to deliver any hogshead of tobacco, when the same shall be demanded for exportation, such inspectors shall forfeit and pay to the owner thereof double the value of the tobacco which they shall so refuse or fail to deliver. And all inspectors shall, and they are hereby obliged, if required, to take in any receipt or receipts by them given for crop tobacco, and after having weighed such tobacco, to give transfer receipts for the same, with an allowance of four per centum for the cask, so as such allowance do not exceed thirty pounds of tobacco for every cask. *Provided*, That such hogshead shall contain at least one thousand pounds of nett tobacco, and not mixed leaf and stemmed. *Provided nevertheless*, That no inspectors shall give their receipt or receipts for any transfer or crop tobacco, which shall be opened or picked, by any picker legally appointed, until the proprietor of such tobacco, or his or her agent, shall have first paid or tendered to such picker his lawful charges for opening or picking the same. And in the absence of any such picker, a payment or tender to any of the inspectors there attending, for the use of the picker, shall be as effectual as if made to such picker in person. And if any inspectors shall deliver their receipt or receipts for any such tobacco, so opened or picked, before such payment or tender be made, they shall be liable to such picker for the amount of the same.

XX. And for restraining the undue practice of mixing trash with stemmed tobacco, and preventing the packing of tobacco in unsizeable casks, *Be it enacted*, That all stemmed tobacco, not laid straight, whether

the same be packed loose or in bundles, shall be accounted unlawful tobacco; and that no tobacco packed in hogsheads which exceed forty-eight inches in the length of the stave, or thirty inches at the head, within the crow, making reasonable allowance for prizing, which allowance shall not exceed two inches above the gauge, in the prizing head, shall be passed or received; but the owner of such tobacco, packed in casks of greater dimensions than before expressed, shall be obliged to repack the same in sizeable casks, at his own charge, before the same shall be received or stamped by the inspectors.

Size of tobacco hogsheads.

XXI. And whereas many and great inconveniences have arisen from inspectors undertaking to deliver tobacco, the property of others, in their ware-houses, without order from the proprietor of the same: *Be it enacted*, That from and after the passing of this act, if any inspector shall presume to deliver any tobacco in his ware-house, without order from the owner or proprietor of such tobacco, every inspector so offending, and being thereof duly convicted in the court of the county wherein he officiates, is declared incapable of serving for ever after as an inspector in this state, and moreover shall be liable to the penalty of fifty pounds, for every hogshead of tobacco so as aforesaid delivered, without order of the owner or proprietor thereof, to be recovered by such owner or proprietor thereof, if he or she shall prosecute within four months after the offence committed; or if he or she decline the prosecution, then, after that time, by any person who shall inform or sue for the same, by action of debt or information, in any court of record within this commonwealth. And if any inspector shall deliver any transfer receipts, or notes of credit, for tobacco, to any person or persons, unless at the time of delivering the same, he shall have actually and bona fide received and passed tobacco the property of him, her, or them, in whose name or names such receipts or notes shall be made out to the full amount of the quantity therein specified, every inspector so offending, and being duly convicted, shall be disabled from serving as an inspector, and moreover shall forfeit five pounds for every hundred weight of tobacco such fictitious note shall express, to any person who will sue for the same, recoverable by action of debt in any court of record.

Penalty for delivering tobacco, without an order from the proprietor.

And for issuing fictitious transfer notes, in suits for which the proof shall lie on the inspector.

And for every prosecution against any inspector or inspectors, for the said offence, the proof of his or their innocence shall lie upon the defendant.

Inspectors
to give crop
notes in ex-
change for
transfer.

XXII. *And be it further enacted,* That the owner of any transfer receipts may, at any time before the sale of the tobacco contained in such transfer receipts, as herein after is directed, receive and mark hogsheads of tobacco to satisfy such receipts; and the inspectors shall take in their former receipts and deliver crop receipts for such hogsheads, and shall be answerable for the safe keeping thereof in the same manner as they are for crop tobacco; but the persons receiving such hogshead, shall pay to the inspectors nine shillings and six pence for the inspection and nails for every hogshead, that is to say, three shillings and six pence down to the inspectors for their use, for nails and their trouble in prizing, and six shillings as inspection, when the tobacco is delivered.

And in Sep-
tember court
yearly ac-
count, and
sell the to-
bacco for all
notes out-
standing.

And the inspectors shall, at the court held for their county in the month of September yearly, or if there be no court in that month, then at the next court held for their county, lay before the court an account, upon oath, of all transfer receipts that were not by them taken in and received before the time of sale herein before mentioned; and after such account exhibited, and oath made, shall sell the tobacco in such receipts contained, deducting the allowance for shrinkage and wasting, at public auction, at the door of the court-house, between the hours of twelve and two; and the inspectors shall pay the money arising by such sale in satisfaction of their receipts, from time to time, to the proprietors thereof, making their demand, under the same penalty as is inflicted for not paying inspectors receipts.

Also tobac-
co gained by
allowance
for shrink-
age.

And all inspectors shall keep a just and true account of the tobacco gained or saved upon the allowance made for cask and for shrinkage of transfer tobacco, or otherwise; and if any tobacco shall be so gained or saved, shall exhibit an account thereof, and shall also sell the tobacco so gained and saved, in the manner as is directed for the sale of transfer tobacco, and shall account for the money arising by such sale to the treasurer of this state, for the time being, in their next account with him; and the said treasurer shall account for the same to the general assembly; and no inspector shall convert any tobacco so gained to his own use,

XXIII. *And be it further enacted,* That all inspectors shall, before the tenth day of October in every year, account with the treasurer of this state, upon oath, for all monies received, or which ought to be received, by them by virtue of this act, except the money paid for nails and for their trouble in prizing, or for re-packing damaged tobacco which shall be relanded at their inspection, for every hogshead of transfer tobacco; in which account they shall be allowed their salaries, the rents of the ware-houses, and all other necessary disbursements in pursuance of this act. And in order to ease the inspectors giving their personal attendance at the treasury, they are hereby required, after stating their accounts with the treasurer, as above directed, to take the following oath, before some one justice of the peace of the county where they officiate, to wit:—"We, A. B. and C. D. do swear, that the account now produced contains an exact state of all the tobacco shipped the preceding year from ware-house, all taxes received or due for the same, also all tobacco gained at the said inspection, by any means whatsoever. So help us God." And the justice of the peace, before whom they are sworn, shall, and he is hereby required, to certify on the said account that they have taken this oath.

To account
with the
treasurer
upon oath,
when and
how.

XXIV. *And for the more effectual prevention of* frauds in shipping uninspected tobacco, and in the not regularly entering and reporting at the naval-offices tobaccos shipped from the ware-houses; *Be it further enacted,* That the several inspectors of tobacco in this state shall, annually, at the time of settling their accounts with the treasurer, deliver to him an account, upon oath, of all the tobacco shipped from their respective ware-houses within the year preceding, containing the number of hogsheads or casks sent on board each ship or vessel respectively; and every inspector failing herein, shall forfeit, and pay the sum of fifty pounds. And that the several naval-officers shall, on or before the twenty fifth day of October, annually, return to the said treasurer an account, upon oath, of all the tobacco on board each ship or vessel which shall have been cleared out in such naval-officer's district in the preceding year, according to the manifests thereof delivered by the master of such ship or vessel at the time of clearing, distinguishing the number of hogs-

To return
an account
annually of
all tobacco
shipped, and
the penalty.

Naval offi-
cers on ac-
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Proceeding
where to-
bacco is a-
bout to be
exported by
water, unin-
spected.

heads or casks put on board such ship or vessel from each respective ware-house; and every naval-officer failing herein, shall forfeit and pay the sum of one hundred pounds for every failure. And if any justice of the peace shall know, or be informed upon oath, of any tobacco pressed or packed, in order to be shipped off or carried out of this state by water, without being inspected, such justice by himself, or any sheriff, or constable, by warrant from such justice, within the limits of his county, shall have power and authority, and is hereby required, to enter any suspected houses, and to break open all doors in the day time, the keys of such doors having been first demanded, and refused to be delivered, to search for the same; and if any tobacco shall be found by such justice, sheriff, or constable, pressed in any hogshead, cask, barrel, or other package whatsoever, such justice, sheriff, or constable, shall seize the same; and the person in whose possession such tobacco shall be found, shall forfeit to the informer five pounds for every hundred weight, and so in proportion for a less quantity, to be recovered, with costs, in any court of record, if it be twenty-five shillings or upwards. And any justice of the peace of any county near the place where any ship or other vessel shall ride, upon information to him made upon oath, by any free man, that there is good cause to suspect any tobacco uninspected, in cask, bulk, or parcels, to be on board such ship or other vessel, shall, and he is hereby empowered and required, to issue his warrant directed to the sheriff or any constable of his county; and the sheriff or constable shall have full power and authority, and he is hereby required to enter and go on board such ship or other vessel, to search for and seize such tobacco, and the same being seized, shall be brought on shore and carried before the same or any other justice, who shall cause the said tobacco to be carried to the nearest ware-house and there inspected, and if passed, restored to the owner in case he shall be innocent of the fraud; but if he shall appear to have been concerned in such fraud, or if no owner shall claim within three months, the said tobacco shall be sold by the inspectors, and the money arising from such sale be paid into the public treasury, and accounted for to the general assembly. And the commanding officer or skipper of any ship or vessel on

board which such tobacco is found, shall forfeit to the informer five pounds for every hundred weight, and so in proportion for a less quantity; to be recovered with costs, in any court of record, if it be twenty-five shillings or more. And if any master or commanding officer or skipper of any ship or vessel, or any other person whatsoever, shall resist the officer in the execution of any such warrant, every such master, commanding officer, or skipper, shall forfeit and pay two hundred pounds; and every sailor or other person so resisting, shall forfeit and pay twenty-five pounds.— And if any action shall be brought against any justice of the peace, sheriff, or constable, for doing any thing in execution of this act, the defendant may plead the general issue and give this act in evidence; and if the plaintiff shall be non-suited, or a verdict pass against him, or a judgment on demurrer, the defendant shall recover double costs.

XXV. *And be it further enacted*, That where any Old tobacco hath remained, or shall hereafter remain, undemanded in a public ware-house two years, after the same hath been or shall be inspected, the inspectors at such ware-house shall advertize in the Virginia Gazette, for three weeks successively, a list of the marks, numbers, and weights of such tobacco, with the names of the persons for whom it was inspected; and if no owner appears to claim the same within three months, they shall at the next court to be held for the county in which such ware-house shall be, after the expiration thereof, and advertizing as aforesaid, deliver to the court the like list, which court is hereby empowered and required to order the same to be publicly sold at the court-house door, on a court day, to the highest bidder; and the money arising from the sale thereof shall be paid by the inspectors to the treasurer of this state for the time being, who shall account for the same, from time to time, to the general assembly.— And if any person having a right to any tobacco so sold, shall prove his property therein, the said treasurer shall re-pay to such person the money for which such tobacco was sold.

XXVI. *And be it further enacted*, That no person taking upon himself the office of inspector, shall, during his continuance in that office, or within two years after he shall be out of his said office, be capable of inspectors ineligible to general assembly.

Other incapacities.

being elected a member of either house of assembly, or shall presume to intermeddle or concern himself with an election of a member or members of either of the said houses, otherwise than by giving his vote, or shall endeavour to influence any person or persons in giving his or their vote, under the penalty of fifty pounds for every offence; nor shall any inspector by himself, or any person for him, be allowed to keep an ordinary or house of entertainment at or near the warehouse where he is an inspector; and every inspector herein offending shall be incapable of serving in that office; neither shall any inspector, during his continuance in that office, be, or undertake to be, collector of any public tax, other than what relates to such office, county or parish levies, or any officer's fees; nor shall directly or indirectly for himself, or for any other person, buy, or receive by way of barter, loan, or exchange, any tobacco whatsoever, under the penalty of fifty shillings for every hundred pounds of tobacco so bought or received. *Provided*, That nothing herein contained shall be construed to hinder any inspector from receiving his rents in tobacco, which shall be first viewed, examined, and stamped, according to the directions of this act.

Penalty on inspectors receiving other gratuity than salaries.

XXVII. And for the farther and better directions of the inspectors aforesaid in their duty; *Be it enacted*, That no inspectors shall take, accept, or receive, directly or indirectly, any gratuity, fee, or reward, for any thing by him to be done in pursuance of this act, other than his salary, and the other payments and allowances herein before mentioned and expressed; and if any inspector shall take, accept, or receive, any such gratuity, fee, or reward, such inspector, being thereof convicted, shall forfeit and pay the sum of one hundred pounds, to be recovered with costs, by any person or persons who shall inform and sue for the same, by action of debt or information, in any court of record within this commonwealth, and moreover shall be disabled from holding the office of inspector during the continuance of this act. And if any person shall offer any bribe, reward, or gratuity, to any inspector for any thing by him to be done in pursuance of this act, other than the fees and allowances herein before directed, every person so offending, and being thereof convicted, shall, for every such offence, forfeit

And on the person offering a bribe.

and pay the sum of twenty pounds current money, to be recovered in any court of record within this state, one half of which forfeiture shall be to and for the use of such inspector refusing such bribe or reward, and the other half to the person who will inform and sue for the same. And there shall be paid to the several inspectors, appointed to attend and attending the said several ware houses, the salaries herein after mentioned, that is to say: At Pitt's, Guilford, and Pungoteague, under one inspection, thirty-five pounds; at Roy's, sixty pounds; at Kennon's, thirty pounds; at Bolling's point, eighty pounds; at Bollingbrooke, eighty pounds; at Cedar Point, eighty pounds, if the ware-houses shall be re-built and inspectors appointed; at Hobb's Hole, thirty-five pounds; at Bowler's, thirty pounds; at Layton's; thirty pounds; at Colchester, fifty pounds; at Alexandria, forty pounds; at the Falls of Potowmack, forty pounds; at Deacon's Neck, thirty pounds; at Page's, eighty pounds; at Meriwether's, sixty pounds; at Poropotank, thirty pounds; at Rocky Ridge, eighty pounds; at Warwick, seventy pounds; at Osborn's, sixty pounds; at John Bolling's, sixty pounds; at Byrd's, eighty pounds; at Shockoe's, eighty pounds; at Rockett's, eighty pounds; at Smithfield & Fulgham's, under one inspection, thirty-five pounds; at Mantapike and Frazer's, under one inspection, forty pounds; at Shepherd's, thirty pounds; at Aylett's and Todd's, under one inspection, forty pounds; at Boyd's Hole and Machodack, under one inspection, forty-five pounds; at Gibson's, thirty pounds, at Davis's and Lowry's, under one inspection, thirty pounds; at Urbanna, thirty pounds; at Coan's and North Wicomico, under one inspection, forty pounds; at Deep Creek and Glasscock's, under one inspection, thirty-five pounds; at Indian Creek and South Wicomico, under one inspection, forty pounds; at Milner's and Wilkinson's under one inspection, forty pounds; at Cherrystone's and Naswaddox, under one inspection, thirty-five pounds; at Littlepage's, thirty-five pounds; at the Brick-House, thirty pounds; at Boyd's, eighty pounds; at Davis's, in Blandford, eighty pounds; at Blandford, eighty pounds; at Quantico, seventy pounds; at Dumfries, seventy-pounds; at Cat Point, thirty pounds; at Totusky, thirty pounds; at Gray's Creek, thirty-five pounds; at Low-Point, forty pounds; at Falmouth,

Inspector's
salaries.

sixty pounds; at Acquia, fifty pounds; at Dixon's, sixty pounds; at Fredericksburg, seventy pounds; at Hayston's, seventy pounds; at Denbigh, twenty-five pounds; at Nominy, thirty pounds; at Leed's and Maddox, under one inspection, fifty pounds; at Yocomico and Rust's, under one inspection, forty pounds; at York-Town and the College-Landing, under one inspection, forty pounds; at Hampton, ten pounds.

Method of
detecting
inspectors
who shall
not do their
duty.

KXVIII. And for the better detecting inspectors who shall not do their duty, and for the more speedy and easy examination into complaints against them; *Be it enacted*, That any two justices of the peace, not being inspectors, shall have power to hear all complaints against any inspector within their county, and to take the depositions of witnesses upon the matter of such complaint on both sides, which shall be transmitted by them to the governor and council, for their determination. And to the end such depositions may be taken in the best manner, the clerk of the county, or some sufficient person by him to be appointed, shall attend the said justices for that purpose, and be paid by the county the same fees as is or shall be by law established for attending the examination of witnesses upon a *dedimus potestatum*. And moreover any two justices shall have power to visit all or any of the public ware-houses within their county, and if they shall discover any negligence in the inspectors either in securing the tobacco or stowing the same away in a proper manner for saving the room in such houses, or that they are guilty of any other breach or breaches of their duty, the justices shall certify the governor and council thereof. And if any inspector shall be adjudged guilty of a breach of his duty, he shall be removed from his office, and be for ever after incapable of serving as an inspector. And if any inspector shall be removed from his office, upon a complaint and prosecution against him in the method by this act prescribed, he shall be liable to the action on the case of the prosecutor for his necessary costs and expenses in such prosecution, in which the prosecutor shall recover his full costs of suit; but if the inspector or inspectors shall be acquitted upon such examination, the prosecutor shall be liable to the action of such inspector or inspectors for the recovery of all damages and expenses which he or they shall have sustained or been put to by such

prosecution and costs, unless the governor and council shall certify that there was reasonable cause for such complaint; and every inspector shall moreover be liable to the action of the party grieved for all loss and damage that may happen or arise to any person by occasion of any failure of duty or neglect of any such inspector, in which action the plaintiff shall recover his full costs, although the damages do not exceed forty shillings.

XXIX. *And be it further enacted,* That all tobacco due or to grow due and payable for public, county, and parish levies, or for clerks, sheriffs, surveyors, or other officers fees, shall be paid and discharged by transfer receipts in the following manner, that is to say: All levies shall be paid in some ware-house in the county where such levies are laid, and all officers fees in the county where the person chargeable therewith lives, except such person shall have a plantation with slaves thereon in the county where the service is performed, and then all fees shall be paid in such county; but the said levies and fees due and payable in any county where no public ware-house is established, shall be paid at some ware-house in the next adjacent county. *Provided always,* That the receipts from the ware-houses hereafter mentioned shall pass in payment of all levies and officers fees payable in the counties following, that is to say: In the county of Accomack, Cherrystone's and Naswaddox; in the county of Albemarle, Page's, Fredericksburg, Roystons, Meriwether's, Rockey Ridge, Byrd's, Shockoe's, and Rocket's; Amelia, Charlotte, Halifax, Henry, Lunenburg, Mecklenburg, Pittsylvania, and Prince Edward, at Blandford, Bolling's Point, Bollingbrooke, Davis's, Cedar-Point, Boyd's, Rockey Ridge, Warwick, and Osborn's; Amherst, at Byrd's, Shockoe's, Rocket's, Rockey Ridge, Page's, and Meriwether's; Bedford and Campbell, at Byrd's, Shockoe's, Rocket's, Rockey Ridge, and Warwick; Brunswick & Graensville, at Blandford, Bolling's-Point, Bollingbrooke, John Bolling's, Boyd's, Davis's, Cedar-Point, Smithfield, Fulgham's, Low-Point, and Gray's Creek; Nansemond, at Smithfield, Fulgham's, and Low-Point; Buckingham, at Byrd's, Shockoe's, Rocketts, Rockey Ridge, Warwick, and Osborn's; Caroline, at Todd's, Aylett's, and Layton's; Culpeper, at Dixon's, Quantico, Dumfries, Ac-

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veyors, or
other offi-
cers' fees,
shall be paid

quia, Falmouth, Fredericksburg, and Royston's; Cumberland and Powhatan, at Byrd's, Shockoe's, Rockett's, Rockey Ridge, Warwick, and Osbornes; Dinwiddie, at Blandford, Boyd's, John Bolling's, and Davis's; Elizabeth City, at Hampton; Essex, at Port Royal, Todd's, and Mantipike; Fauquier, at Falmouth, Dixon's, Quantico, Dumfries, and Acquia; Goochland and Fluvanna, at Byrd's, Shockoe's, Rockett's, Page's, Meriwether's, and Rockey Ridge; James City, at Littlepage's, Kennon's, the Brick-House, York, and College-Landing; King George, at Dixon's, Falmouth, and Mattox; Isle of Wight, at Kennon's, Wilkinson's, and Milner's; King William, at Meriwether's and Page's; Lancaster, at Indian Creek; Loudoun, at any of the ware-houses in Fairfax and Prince William; Louisa and Orange, at Fredericksburg, Royston's, Page's, Meriwether's, Byrd's, Shockoe's, and Rockett's; Norfolk, at any of the ware-houses in Nansemond and Elizabeth City; Northampton, at Pitt's, Guilford, and Pungotengue; New-Kent, at the Brick-House, Littlepage's, and Kennon's; Northumberland, at Yocomico and Rust's; Prince George, at Bolling's-Point, John Bolling's, Cedar-Point, Bollingbrooke, Davis's, Blandford, Low-Point, Gray's Creek, and Kennon's; Prince William, at Alexandria, Acquia, and Colchester; Fairfax, at Quantico and Dumfries; Gloucester, at Deacon's Neck and Poropotank; Princess Anne, at any of the ware-houses in Nansemond and Elizabeth City; Southampton, at any of the ware-houses in Isle of Wight and at Low-Point; Stafford, at Boyd's Hole, Gibson's, Dumfries, and Quantico; Surry, at Kennon's, Blandford, Boyd's, and Davis's; Sussex, at Blandford, Bolling's Point, Bollingbrooke, John Bolling's, Davis's, Boyd's, Cedar-Point, Gray's Creek, Low-Point, and Smithfield; Westmoreland, at Machodack and Gibson's; York, at College-Landing, Denbigh, and the Brick-House.

When levies
and officers'
fees may be
distrained
for.

XXX. *And be it further enacted*, That all public, county, and parish levies, sheriffs, clerks, surveyors, and other officers fees, payable in tobacco, shall be paid and satisfied, by the persons chargeable with, and indebted for the same, to the sheriffs or other collectors, by transfer receipts before the tenth day of June yearly. And if any person chargeable with the levies and fees aforesaid, shall neglect or refuse to pay the

same within the time aforesaid, it shall be lawful to and for the sheriffs and other collectors, immediately after the said tenth day of June, to distrain the goods and chattels of the person or persons so neglecting or refusing, and to sell and dispose thereof for tobacco in the same manner as is directed by law for goods taken in execution; and the overplus (if any be) after paying the several levies and fees, and the charge of distress, which is hereby declared to be the same as for serving an execution, shall be returned to the debtor. And the sheriffs or other collectors of the said levies and fees, shall, before the last day of July yearly, pay and deliver to each creditor, according to their respective debts or claims, all the inspectors receipts he or they shall have received in satisfaction thereof; and if any sheriff or other collector shall refuse or delay to make payment accordingly, if required, he or they so refusing or delaying, shall forfeit and pay the party grieved double the value of the tobacco so refused or delayed to be paid; to be recovered, with costs, in any court of record within this state.

When the
sheriffs are
to account.

XXXI. *And be it further enacted*, That if any of the ware-houses herein before mentioned, shall happen to be burnt, the loss sustained thereby shall be made good and repaired to the several persons injured, by the general assembly; and in case of such accident, no inspector shall be sued or molested for or by reason of any receipts by them given, or for any tobacco burnt in any of the said ware-houses, but shall be altogether acquitted and discharged of, and from the payment of the tobacco in such receipts mentioned; any thing herein before contained to the contrary notwithstanding. *Provided always*, That if the receipts for tobacco so burnt and destroyed shall be of an older date than twelve months, the tobacco shall not be paid for by the public, but the owner or proprietor thereof shall bear the loss.

Warehouses
burnt, the
public to pay
for the to-
bacco, and
inspectors
indemnified.

Exception.

XXXII. *And be it further enacted*, That the inspectors shall not permit the proprietor or any other person to make use of the ware-house at which they are inspectors. And if any ware-house shall hereafter happen to be burnt, and it shall appear that such ware-house was burnt by means of the inspectors permitting the proprietor or any other person to make use thereof, such inspectors shall re-pay to the treasurer, for

Warehouses
not to be
used for pri-
vate purposes.

the time being, all such sum or sums of money as shall have been paid to the person or persons so injured.

No fire to be kindled in or near a warehouse.

XXXIII. *And be it further enacted,* That if any person hereafter shall make any fire within any public ware-house, or without doors, within one hundred yards of such ware-house, other than in the inspectors counting room, squares, or funnels, such person, if a free man, shall, for every such offence, forfeit and pay ten pounds, to be recovered, with costs, by action of debt or information, in any court of record within this state, by the informer to his own use; and if a servant or slave, he or she shall, by order of any justice of the peace, receive on his or her bare back twenty lashes for every such offence. And it shall not be lawful for any person whatsoever to erect or build, or cause to be erected or built, any wooden chimney or chimnies within two hundred yards of any public ware-house; and where any such are already built, within the distance aforesaid of any public ware-house, the owner or proprietor thereof shall pull down the same, or on refusal or neglect so to do in one month after the passing of this act, it shall be lawful for the sheriff of the county, and he is hereby required, to cause such chimney or chimnies to be pulled down and demolished.

Nor wooden chimnies built near.

Inspectorsto keep books, &c.

XXXIV. And to the intent that the just quantity of tobacco exported may be more exactly known, and evil practices to defraud the public of the duty prevented, *Be it enacted.* That all inspectors shall carefully enter in a book, to be provided and kept for that purpose, the marks, numbers, gross, nett weight, and tare, of all tobacco viewed and stamped by them as aforesaid, and in what ship or vessel the same shall be laden or put on board; and shall also, with every sloop or boat load of tobacco, send a list of the marks, numbers, gross, nett weight, and tare, of every hoghead or cask of tobacco then delivered, to be given to the master of the ship or vessel in which the same shall be put on board; and if the tobacco delivered to the same sloop or boat is intended to be put on board several ships or vessels, then they shall deliver so many distinct and several lists as aforesaid of the hogheads or casks to be put on board such ship or vessel respectively; which lists every master of a ship or vessel is

and deliver manifests with each load of tobacco.

required to produce to and lodge with the naval officer of the district where the same ship or vessel whereof he is master shall ride, or by whom he shall be cleared, some time before his clearance. But whereas it may happen that the ship in which such tobacco was intended to be put, may be so full as not to be able to stow all the tobacco contained in such list, in such case it shall be lawful to ship the said tobacco, or any part thereof, on board any other ship or ships where the owner thereof shall think fit, the masters of such ships endorsing on the said lists the marks and numbers of the respective hogsheads by them taken on board, and giving notice to the inspectors of the ware-house from which the same was brought; or if there be no ship to receive the said tobacco, then it shall be lawful for the master of the first mentioned ship or vessel to put the said tobacco into any ware-house in the district where such ship or vessel shall ride, giving immediate notice thereof to the inspectors who stamped the same. And the inspectors of that ware-house where such tobacco shall be delivered, shall receive from the persons re-landing such tobacco, one shilling and six pence for every hogshead so re-landed, and shall give a receipt for the same; which money so received by the inspectors, shall be paid by them to the person or persons entitled to receive the rent of the said ware-house.

Tobacco re-landed or put on board other ships

XXXV. *And be it further enacted,* That he or she shall be adjudged a felon, and not have the benefit of clergy, who shall forge or counterfeit, alter or erase, the stamp or receipt of any inspector or inspectors; or shall cause or procure such stamp or receipt to be forged or counterfeited, altered or erased; or shall aid or assist in forging or counterfeiting, altering or erasing such stamp or receipt; or shall pass or tender, or shall cause or procure to be passed or tendered, any such stamp or receipt, in payment or exchange, knowing the same to have been forged or counterfeited, altered or erased; or shall have in his or her custody or possession any inspectors stamp or receipt, which hath been altered or erased, knowing the same to have been altered or erased, and shall not discover such altered or erased stamp or receipt to two justices of the peace before the first day of July, in the present year, or within five days after they, or either them, shall have come to his or her possession; or shall export, or cause

Death to counterfeit notes, &c.

to be exported, any hogshead or cask of tobacco stamped with a forged or counterfeited stamp; or shall receive or demand tobacco of an inspector upon any forged or counterfeited, altered or erased stamp or receipt, knowing such stamp or receipt to be forged or counterfeited, altered or erased; or shall put or pack, or cause or procure to be put or packed, into any hogshead or cask, stamped by an inspector, any tobacco whatsoever; or shall draw or take out, or cause or procure to be drawn or taken out, any staves, plank, or heading board, of any hogshead or cask of tobacco, so stamped as aforesaid, after the same shall be delivered out of any of the public ware-houses aforesaid.

Or to issue double notes for the same tobacco, or notes for tobacco not received.

XXXVI. *And be it further enacted,* That if any inspector or inspectors shall give, deliver, or issue, to any person whatsoever, his or their receipt, expressed to be for any hogshead or cask of tobacco, or for any quantity of transfer tobacco, which they have not actually received into the ware-house whereof they are inspectors, at the time of giving such receipt; or shall give, deliver, issue, or cause or procure to be given, delivered, or issued, more than one receipt for any hogshead or cask of tobacco; or quantity of transfer tobacco, by him or them received, except where authorized by law so to do, such inspector or inspectors, being thereof convicted by due course of law, shall be adjudged a felon, and shall suffer death as in case of felony, without benefit of clergy.

Method to be taken where receipts are lost.

XXXVII. *And be it further enacted,* That if any inspector's receipt be casually lost, mislaid, or destroyed, the person or persons entitled to receive the tobacco, by virtue of any such receipt, shall make oath before any Justice of the peace of the county where the same is payable, to the number and date of every such receipt, to whom and where payable, and for what quantity of tobacco the same was given, and that such receipt is lost, mislaid, or destroyed, and that he, she, or they, at the time such receipt was lost, mislaid, or destroyed, was lawfully entitled to receive the tobacco therein mentioned, and shall take a certificate thereof from such justice; and upon producing a certificate of such oath to the inspectors who signed such receipt, and lodging the same with them, the inspectors shall, and are hereby directed, to pay and deliver to the person obtaining such certificate, the tobacco for which

any such receipt was given, if the same or any part thereof shall not have been before by them paid by virtue of the said receipts, and shall be thereby discharged from all actions, suits, and demands, on account of such receipts. And if any person shall be convicted of making a false oath, or producing a forged certificate in the case aforesaid, such person shall suffer as in case of wilful and corrupt perjury.

Penalty for false oath, or producing a forged certificate.

XXXVIII. *And be it enacted*, That when any new inspectors shall be appointed at any of the said warehouses, such inspectors shall, and they are hereby required, to give to the person or persons whom they shall succeed, a receipt, with his or their hands subscribed, containing the numbers, marks, gross, tare, and nett weight, of all and every hogshead or cask of tobacco which shall be then remaining at the warehouse or warehouses at which time they are appointed inspectors, with the delivery and payment of which said hogsheads or casks of tobacco so remaining, he or they shall from thenceforth be chargeable and liable; but he or they shall in no wise be accountable or answerable for the loss of weight, or for quality of tobacco contained in any hogshead or cask, for which receipt was by him or them so as aforesaid given. And if any hogshead or cask of tobacco shall hereafter be received by any person or persons whatsoever, and delivered out of any of the said warehouses for exportation, by the inspector or inspectors attending the same, such inspector or inspectors from the time of such delivery, shall be for ever discharged and acquitted from all actions, costs, and charges for, or by reason of, the tobacco contained in any such hogshead or cask being unsound and unmerchantable, or of less quantity than the receipts given for the same shall specify; any thing herein before contained to the contrary notwithstanding. And when any prized tobacco shall be brought to any public warehouse, in order to be shipped on freight or otherwise, and the inspectors there attending shall refuse to pass such tobacco, unless such as shall be bad and unmerchantable shall be picked and separated from the rest; or where any light crop tobacco shall hereafter be brought to any of the said warehouses, in either case, the said inspectors, if required, shall permit the owner or other person bringing such tobacco

New inspectors to give their predecessors a receipt for the tobacco in the warehouses.

Inspectors discharged on the delivery of tobacco.

Prizes to be used in turn for prizing tobacco picked, or light hogshead.

Penalty for
taking and
using drafts.

co, to make use of one or more of their prizes, for the re-packing, prizing, or making heavier, such tobacco, without fee or reward; and if there shall be several hogsheads of tobacco, belonging to several owners, to be picked, re-packed, or prized, at any public warehouse, the owner or other person bringing the same, whose tobacco shall be first viewed and refused, or found light, shall be first permitted and allowed to make use of such prize or prizes, for the purposes aforesaid; and no inspector shall take or convert to his own use, or otherwise dispose of, any draughts or samples of transfer or crop tobacco, but the same, if fit to pass, shall be put into the hogshead or bulk out of which it was drawn, under the penalty of forfeiting twenty shillings for every draught so taken away and not returned as aforesaid contrary to the directions of this act, to be recovered by the informer, one moiety to his own use, and the other moiety to the use of the proprietor of such tobacco, before any justice of the peace of the county wherein such offence shall be committed. And all inspectors, if required, shall alter the mark and number of any hogshead of re-prized tobacco for which they have before given a receipt; and for preventing confusion and mistakes shall keep a waste book, in which shall be entered the marks and numbers of all hogsheads of tobacco received by them, and another book, in which shall be entered the marks, numbers, and weights thereof; when the same shall be delivered out by them; and all inspectors, when required, shall be obliged to prize any light hogshead of tobacco under one thousand pounds, so as to make it up the weight one thousand pounds nett, but shall receive the same fee upon such hogshead as for transfer tobacco. And where any tobacco shall be brought to the warehouse by the overseer of the owner thereof, the inspectors shall give receipts in the name of the owner and not of the overseer.

Inspectors
to prize light
crop tobacco
on request.

To give
notes in the
name of the
owner, not
the overseer

To give re-
ceipts for to-
bacco when
brought.

XXXIX. *And be it enacted*, That the inspectors of tobacco at the several warehouses within this state, shall, immediately on the delivery of every hogshead of tobacco at the warehouse whereof they are inspectors, give a receipt for such tobacco, if required by the proprietor or person bringing the same to the said warehouses, expressing therein that the same is for uninspected tobacco; every inspector refusing so to do

shall forfeit and pay to the owner of such tobacco the sum of twenty shillings.

XL. *And be it further enacted,* That all the penalties and forfeitures in this act contained, and not herein before particularly appropriated, shall be one moiety to the commonwealth, to be applied towards defraying the charges of the execution of this act, and the other half for the person who shall inform & sue for the same, & shall be recovered, with costs, by action of debt or information, in any court of record within this state, where the penalty or forfeiture exceeds twenty five shillings or two hundred pounds of tobacco; & where the same does not exceed those sums, before any justice of the peace for the county where the offence shall be committed.

Penalties,
how to be
recovered
and applied.

XLI. And whereas recoveries and forfeitures inflicted by this act are liable to be evaded by masters or commanders and skippers of vessels and other persons leaving this state, before any action or suit brought for such recovery can be determined: For remedy thereof, *Be it enacted,* That upon the appearance of the defendant in any action or suit brought against any master, commander, or skipper, of any vessel, or any other person, for a breach of this act, where the plaintiff shall move that the defendant may be held to special bail, the court may, if they see cause, rule him to give special bail accordingly, or commit him in custody of the sheriff until such bail be given; any law, custom, or usage, to the contrary notwithstanding.

Masters of
vessels sued
may be ruled
to bail.

XLII. And whereas the act of assembly passed in October, one thousand seven hundred and seventy-eight, for reviving several public ware-houses for the inspection of tobacco, hath expired, and it is necessary the same should be revived and continued; *Be it therefore enacted,* That the said recited act shall be and is hereby revived and continued until the last day of September next, except so much thereof as makes it felony for any person or persons to forge, counterfeit, alter, or erase, any inspector or inspectors receipt or stamp; and in lieu thereof so much of this act as inflicts the punishment on persons guilty of the offences aforesaid, or either of them, is hereby declared to be in force from the passing of the same.

The act of
Oct. 1778,
ch. 10, re-
vived and
continued
till Septem-
ber.

Exception.

XLIII. And whereas the several amendatory acts of assembly for the inspection of tobacco, passed subsequent to the aforesaid act, of one thousand seven

Other sub-
sequent acts
continued to
same time.

hundred and seventy-eight, will expire at the end of this session of assembly, and it is expedient the same should be further continued; *Be it therefore enacted*, That all and every act or acts, passed as aforesaid, shall continue and be in force until the last day of September next, and no longer.

Inspectors indemnified.

XLIV. *And be it further enacted*, That all acts & proceedings of the inspectors, made and done in pursuance of the directions of the said recited act, or any or either of them, shall, notwithstanding the expiration thereof, be held and deemed good and valid in law. And all such inspectors are hereby exonerated and discharged of and from all costs, damages, pains, and penalties, by them incurred or to be incurred, for any thing by them done in pursuance of the said acts by reason of the expiration thereof.

Warehouses to be discontinued, October 1, 1785, if the inspection tax does not pay the salaries and rent

Exception.

XLV. *And be it further enacted*, That in case any of the ware-houses herein before named shall not after the first day of October next, and before the first day of October one thousand seven hundred and eighty-five, receive a sufficient quantity of tobacco to pay the inspectors salaries and rents of the ware-houses, the inspection of tobacco at such ware-houses respectively shall be thenceforth discontinued, unless the same shall be supported at private expense. *Provided*, That this clause shall not extend to the discontinuance at one time of two or more ware-houses which may be in the same county, or county next adjacent, but in such cases, that ware-house shall be discontinued to which the smallest quantity of tobacco may be brought in the years aforesaid.

Commencement of this act.

XLVI. *And be it enacted*, That the public printer shall furnish one copy of this act to the inspectors at each of the ware-houses herein mentioned; and also to each of the naval-officers within this state. This act shall commence and be in force from and after the first day of October next, and not sooner, except such parts as is declared to be in force from the passing thereof.

Inspectors exempt from militia duty.

XLVII. *And be it further enacted*, That the acting inspectors of tobacco at the several ware-houses be, and they are hereby exempt from militia duty, except in case of actual invasion or insurrection.

CHAP. XI.

An act to amend the act for appropriating the public revenue.

[Chap. CLV
in original.]
[Chan. Rev.
p. 200.]
See May,
1782, ch. 2.

I. WHEREAS the general assembly of this commonwealth did, during the last session, pass an act, intituled, "An act to amend and reduce the several acts of assembly for ascertaining certain duties and taxes, and for establishing a permanent revenue, into one act;" which act hath been amended by an act passed the present session of assembly, intituled "An act to amend an act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act." And whereas the operation of the said acts, as well as the present circumstances of this state, render it necessary that the act intituled "An act for appropriating the public revenue," should be amended: *Be it therefore enacted*, That all the revenue arising under the said first recited act, as now amended, shall be appropriated as herein after directed; and the same shall be paid accordingly, the respective claims being previously audited, and warrants drawn by the auditors of public accounts accordingly. The land tax arising within the borough of Norfolk shall be applied towards the payment of the debt due from the state to the said borough, for public buildings destroyed by order of convention: There shall also be a sufficient sum out of the land tax applied towards the discharge of the interest due on certificates for paper money funded agreeable to the directions of an act intituled "An act for calling in and funding the paper money of this state:" And there shall also be reserved, one tenth part of the said land tax towards the redemption of the money issued by authority of this state, agreeable to the recommendation of congress of the eighteenth day of March, one thousand seven hundred and eighty: And all the rest of the tax on land arising from the said recited acts, shall be applied to the use of congress, towards paying this state's quota of the interest of the debt due by the United States.

II. *And be it further enacted*, That the money arising from the tax on slaves, shall be applied towards

Preamble.

This Act passed
by House

27. June 1783
by Senate

28. June 1783

John H. G. L. U.
93. 96.

Land tax ap-
propriated.

Slave tax.

the payment of this state's debt due to the army, agreeable to the directions of an act, intituled "An act to establish permanent and adequate funds for the redemption of the certificates granted the officers and soldiers for their arrears of pay and depreciation;" and also that the money arising from the said tax, shall be applied towards making good to congress any deficiency which may arise in this state's quota of interest due on the debts of the United States, so as to make good to congress the annual sum of four hundred thousand dollars.

III. And to prevent all doubts respecting the apportionment of the said slave tax, *Be it enacted*, That the treasurer shall, as the same may be paid into the public treasury, apply one half of the money so paid towards the discharge of the aforesaid debt due to the army, if so much shall be requisite to make good the annual claim of the army, agreeable to the aforesaid act, intituled "An act to establish permanent and adequate funds for the redemption of the certificates granted to the officers and soldiers for their arrears of pay and depreciation;" and the other half of the tax on slaves, as the same may be paid into the treasury, shall be applied towards making good any deficiency which may arise to make good this state's quota of the interest of the debt due by the United States, so as to make up annually the aforesaid sum of four hundred thousand dollars; and if the said revenue arising from the tax on slaves shall exceed the sums requisite to compleat such payments to the army and to congress, such overplus or excess shall be applied towards the payment of any debts, either foreign or domestic, due by this state, for the payment whereof no other provision hath been or shall be made by law; such payments to be made by the treasurer, agreeable to order of the executive, who shall direct the payment of the same to such public creditors as in their opinion have the most pressing and meritorious demands against the public for the same.

All other
taxes.

IV. *And be it further enacted*, That all the revenue arising from the tax on free male tithables, and all taxable property included in the said revenue law, and not before appropriated, shall be applied as follows: Five-tenths thereof to the support of civil government; one-tenth towards the payment of the debts due on the military fund; one-tenth thereof to the payment of mili-

tary pensioners, and the sums voted for the immediate relief of wounded or disabled officers and soldiers; one other tenth to be applied towards the contingent expences of government, to be paid to the orders of the executive; and the remaining two-tenths to be reserved in the treasury, subject to the future direction of the general assembly.

V. *And be it further enacted*, That all the duties ^{Tonnage} and tonnage arising under the said revenue act, and ^{duty.} all the money arising under the law for recruiting this state's quota of troops to serve in the continental army, and not heretofore appropriated by any act or resolution of the general assembly, shall be applied in aid of the fund for the support of civil government; and if the said fund shall be more than sufficient for the purpose, the excess or overplus shall be applied in aid of the fund for the contingent charges of government, at the disposition of the executive.

VI. *And be it further enacted*, That the auditors shall furnish the treasurer with an account of the sums ^{Auditors to furnish the treasurer with distinct accounts of each branch of taxes.} to be paid into the treasury by the sheriffs for taxes collected under the said revenue law, at the time of paying the same, distinguishing the tax paid for land, for slaves, and on free male tithables, and other property.

VII. *And be it further enacted*, That all and every other act or acts, as comes within the purview of this act, shall be hereby repealed. ^{Repealing clause.}

CHAP. XII.

An act to repeal so much of any act or acts of assembly as declares the delegates to congress eligible to either house of assembly.

Ch. CLVI
is original.

Chan. Rev.
p. 200.]

See vol. 10,
pa. 74.

I. WHEREAS it is improper that a delegate to congress should, at the same time, be a member of the general assembly: *Be it therefore enacted*, That so much of any act or acts of assembly as declares that

Delegates in Congress ineligible to either house of Assembly.

the delegates to Congress shall be eligible to either house of Assembly, shall be, and the same is hereby repealed.

II. *And be it further enacted*, That if any member of either house of assembly shall accept of an appointment to congress, the seat of such member, in either house of assembly, shall be thereby vacated.

CHAP. XIII.

[Chapter
CLVII in
original]

An act for clearing Roanoke river.

Preamble.

I. WHEREAS extending the navigation of the river Roanoke from the falls, upwards to the fork of Staunton and Dan rivers, and up the said rivers Staunton and Dan to the head thereof, will be of great benefit and advantage, as well to the inhabitants of the interior part of this state as to the public in general, and it is represented to this present general assembly that many persons are willing and desirous to subscribe and contribute thereto, for the encouragement thereof: For such laudable and useful undertaking,

Trustees for
clearing
Roanoke
river.

II. *Be it enacted by the present General Assembly*, That Patrick Henry, Paul Carrington, Joel Watkins, Isaac Coles, Samuel Goode, Robert Wooding, James Callaway, Charles Lynch, Henry Walker, John Coleman, William Morton, Robert Adams, John Wilson, Peter Perkins, William Harrison, John Marr, and Edward Moseley, gentlemen, be, and they are hereby nominated, constituted, and appointed, trustees, for clearing so much of the said rivers as shall be within this state; and they are hereby respectively authorized and empowered to take and receive subscriptions for that purpose; and if any person or persons shall neglect, fail, or refuse to pay the several sums of money respectively subscribed, for the purpose of this act, it shall and may be lawful for the said trustees respectively, or undertaker, to sue for and recover the same, in the name of the trustees, or undertaker for clearing the rivers, whereof they are by this act respectively ap-

pointed trustees; by petition where the subscription shall not exceed five pounds, and where the same shall be above that sum, by action of debt.

III. *And be it further enacted by the authority aforesaid,* Powers of trustees.
That the said trustees respectively, or a major part of them, shall have full power and authority to contract and agree with any person or persons for clearing so much of the said rivers as shall be within this state, in such manner as to the said trustees shall seem most proper, and to remove all hedges and rocks, or stops, which the said trustees shall think may in any wise obstruct the said navigation.

IV. *And be it further enacted by the authority aforesaid,* May appoint a receiver.
That the said trustees respectively, or the major part of them, from time to time, as often as they shall see occasion, shall and may nominate and appoint one or more of their number, willing to undertake the same, to be receiver or receivers of all monies that shall be subscribed for the purpose of this act; who shall, in the court of the county where he or they shall reside, give bond with sufficient security, in a reasonable penalty, to this commonwealth, with a condition that he or they, his or their executors and administrators, at all times when required, shall and will truly and faithfully account with the said trustees or undertaker, for all monies which shall come to the hands of such receiver or receivers, for the purpose of this act, and pay the same to such person or persons as the said trustees, or the major part of those who agree to act, shall order and direct.

V. *And be it further enacted,* Vacancies, how supplied.
That in case of the death, resignation, or removal out of the country, or the legal disability, of any one or more of the said trustees before named, it shall and may be lawful for the surviving or remaining trustees, or any seven of them, from time to time, to elect and choose so many persons in the room of those so dead, resigned, removed, or disabled, as shall make up the number of seventeen; which trustees, so chosen, shall be vested with the same power and authority as any others in this act particularly named.

VI. *And be it further enacted by the authority aforesaid,* Hedges, stone stops, &c. across the rivers, how removed.
That all hedges or stone stops, already made across any part of the said rivers Roanoke, Staunton, and Dan, within this state, shall be taken up and de-

stroyed by the person or persons who made or placed the same; and that in future no hedge or stone stop, that in any wise obstructs the course or passage of the said rivers, shall be placed or set therein; and it shall be lawful for any person or persons whatsoever, at any time, to pull up and destroy any and every hedge or stone stop by him or them already set up or made; or who shall hereafter presume to set up or make any in the said rivers as aforesaid, shall forfeit and pay five thousand pounds of tobacco for every such offence; and if after conviction, the person or persons so offending, shall suffer such hedge or stone stop to continue, and not pull up the same, he or they shall forfeit and pay two thousand pounds of tobacco for every week the same shall be suffered to remain; both which forfeitures shall be recoverable with costs, by action of debt, in any court of record within this state, wherein the same shall be cognizable; one fourth thereof to the informer, the other three fourths to the trustees, to be applied to the purpose of clearing the said rivers.

CHAP. XIV.

Ch. CLVIII
in original.

[Chan. Rev.
pa. 201.]

See May
1777, c. 3.

An act to repeal so much of any act or acts of assembly as subject the people called quakers and menonists to penalties or disabilities for non-juring.

Quakers and
Menonists
exempted
from incapac-
ities for
non-juring.

I. WHEREAS by an act, intituled, "An act to oblige the free male inhabitants of this state above a certain age to give assurance of allegiance to the same, and for other purposes," non-jurors are prohibited from purchasing lands, suing for debts, and are subject to other disabilities; which said prohibition is greatly oppressive on those peaceable and industrious people of the community, known by the names of quakers and menonists, who from conscientious scruples have declined giving that assurance of allegiance which is enjoined by the above recited act: For remedy whereof,

Be it enacted, That so much of the said act, and any other law, as does disable any person or persons that are bona fide in religious fellowship with the said people called quakers, or with the people called menonists, from exercising and enjoying the rights and privileges they might have done in case the said act or acts had never been passed, shall be, and the same is hereby repealed.

II. *And be it further enacted*, That where any quaker or quakers, menonist or menonists, shall have purchased lands or other property, such purchases shall be deemed valid, and held in the same manner as if the above recited act or acts had never been made.

Confirmation of heir purchases.

CHAP. XV.

Ch. CLIX
in original.

An act for granting pardon to John Holland.

I. WHEREAS John Holland was, in October last, sentenced by the general court to be hanged for an act of treason against this state; execution of which sentence was by the last assembly respited until the present session, and the said John Holland hath made application to be liberated and absolved from the said sentence, and it is judged reasonable to extend mercy to him:

John Holland, convicted of treason, pardoned.

II. *Be it therefore enacted*, That the said John Holland shall be, and he is hereby pardoned for the said offence; and execution of the said sentence shall not be made, but the keeper of the public jail shall discharge him from custody.

Chap. CLX
in original.

CHAP. XVI.

*An act concerning Peter Heron, a
subject of his Most Christian Ma-
jesty.*

Peter Heron
a subject of
his Most
Christian
Majesty,
permitted to
enter his
vessel, tho'
subject to
seizure.

I. WHEREAS Peter Heron, master of the brigantine Lark, and a subject of his Most Christian Majesty, arrived in James river the 27th ultimo, and from his non-acquaintance with the laws and language of the country, his said vessel and cargo were subjected to seizure, and arrested by the marshal of the admiralty; and it appearing that the said Heron had no intention of defrauding the state of her duties,

II. *Be it therefore enacted*, That the said vessel and cargo be discharged, and admitted to entry with the naval officer where she arrived, upon paying the customary duties, office fees, and expences of seizure; any law to the contrary notwithstanding.

[Chap. CLXI
in original]

CHAP. XVII.

[Chan. Rev.
p. 201.]

*An act to authorize the auditors to
grant new warrants and certificates
in certain cases.*

New war-
rants & cer-
tificates may
be issued by
auditors,
where origi-
nals lost.

I. *BE it enacted by the General Assembly*, That it shall be lawful for the auditors of public accounts, and they are hereby directed and required, upon application, to issue other warrants and certificates where former ones by them granted shall be lost and not paid; and where any such warrants or certificates shall have been granted for paper money, to reduce and liquidate the same agreeable to the legal scale of depreciation.

Oath & bond
by applicant.

II. *Provided always, and it is further enacted*, That every person making application as aforesaid, shall, before other warrants or certificates be issued, take an oath to be administered by either of the auditors, or be-

fore the court of his or her county, that he or she hath lost such warrant or certificate, as the case may be, and hath not directly or indirectly received any satisfaction for the same; and shall moreover enter into bond with sufficient security, in double the sum contained in such warrant or certificate, payable to the governor in behalf of the commonwealth, to indemnify the state against the warrant or certificate so lost; and where such bond and security shall be given in the county court, the same shall be transmitted, together with the certificate of the court, to the auditors.

CHAP. XVIII.

An act authorizing the justices of the county of Monongalia to appoint a place for holding courts for the said county and for other purposes.

[Chapter
CLXII in original.]

I. WHEREAS it is represented to this general assembly, that by the extension of the line called Mason's and Dixon's line, the court-house of Monongalia county has fallen into the state of Pennsylvania, and that the house of Zachwell Morgan is conveniently situated for the present holding of courts:

Court-house of Monongalia having fallen into the state of Pennsylvania, by the extension of Mason's and Dixon's line, the court to be held at the house of Zachwell Morgan.

II. *Be it therefore enacted*, That the justices of the said county shall, and they are hereby authorized, to hold courts for the said county at the house of the said Zachwell Morgan, at the time appointed by law, until a court-house shall be erected. And whereas since the extension of the said line, the justices of the said county have adjourned to, and held their courts at several places within the county, and it is reasonable that their proceedings should be confirmed:

III. *Be it therefore enacted*, That all judgments obtained, and other proceedings of the said court, had or done at the places to which the said adjournments were respectively made, shall be held and deemed as good and valid in law in like manner as if the same had been

Proceedings of court, at places, other than the court-house confirmed.

done at a place legally appointed for the holding of the court of the said county.

Justices of
Monogalia
authorised to
fix on a place
for holding
court, and to
purchase
land where
on to erect
public build-
ings.

IV. *And be it further enacted,* That the justices of the said county, or a majority of them, shall, and they are hereby authorized and empowered, to meet at some convenient place in the said county, within six months after the passing of this act, and agree upon a proper place for holding the court of the said county; and they are hereby authorized and empowered to purchase a seat of land not exceeding ten acres, for the purpose of erecting a court-house, jail, and other necessary public buildings, and to levy the money necessary for that purpose, also for the purpose of erecting such buildings, on the tithable persons of the said county, in the same manner as other county levies.

CHAP. XIX.

[Chapter
CLXIII in
original.]

An act to alter the place of holding courts in the county of Brunswick.

Justices of
Brunswick
authorised
to appoint a
place for
holding the
court, near
the centre
of the coun-
ty.

I. *BE it enacted by the General Assembly,* That the justices of the county of Brunswick, or a majority of them, shall, and they are hereby authorized, to appoint a place for holding courts, at or near the centre of the said county, as the situation and convenience will admit, and to proceed to erect the necessary public buildings at such place; and until such buildings be completed, to hold courts at such place in the said county as they or a majority of them, shall appoint.

CHAP. XL.

[Ch. CLXIV
in original.]

An act to repeal so much of act intituled, an Act to suspend in part the operation of the act, concerning escheats and forfeitures from British subjects, and for other purposes, as empowers the governor and council to draw warrants on the Treasurer in favor of George Harmer.

See vol. 10,
p. 301, 371.

I. WHEREAS by an act passed in the year one thousand seven hundred and eighty, intituled, "An act to suspend in part the operation of the act concerning escheats and forfeitures from British subjects, and for other purposes," it was among other things enacted, "That the governor, with the advice of the council, should draw from time to time on the treasurer, for so much money as they should judge necessary for the support of George Harmer." *And whereas* it is improper and unnecessary further to continue that part of the said act;

So much of former act as authorises the governor to draw warrants on the treasurer in favor of George Harmer repealed.

II. *Be it therefore enacted*, That so much of the said recited act as empowers the governor to draw warrants on the treasurer, for any sum or sums of money, in favour of the said George Harmer, shall be, and the same is hereby repealed.

[Chapter
CXLV. in
original.]

CHAP. XL.

[Chan. Rev.
p. 201.]

An act to amend and reduce into one Act, the several acts of assembly for the appointment of Naval-Officers, and ascertaining their fees.

Naval districts established.

How naval officers to be appointed.

Where the offices are to be kept, or the office forfeited.

To give bond and be sworn.

I. WHEREAS it is expedient and necessary to amend and reduce into one act, the several acts of assembly for the appointment of naval officers, and ascertaining their fees: *Be it therefore enacted*, That there shall be a naval officer for each of the following districts, that is to say: For the lower district of James River, extending from Hampton to the mouth of Kyth's or Lawn's creek; for the upper district of the said river, extending from Kyth's or Lawn's creek upwards; for the district of Elizabeth river, extending to Chuccatuck creek; for the district of South Quay; for the district of York river; for the district of Rappahannock; for the district of South Potowmack, and a deputy for the said district to reside at Alexandria; and two for the district of the Eastern Shore, namely, one in the county of Accomack, and one in the county of Northampton; to be hereafter appointed, in case of vacancies, by joint ballot of both houses of assembly, and commissioned by the governor. The naval office for the lower district on James river shall be kept at Hampton; the one for the upper district at Burwell's ferry; the one for the district of Elizabeth river at Norfolk; the one for the district of York river at York Town; the one for the district of Rappahannock at Urbanna; the one for the district of South Potowmack at the mouth of Yocomico; the one for the county of Accomack at Accomack Court-House; and the one for the county of Northampton at Bridge town. And if any naval officer shall not keep his office at the place herein fixed for the same, he shall forfeit his office, and another naval officer shall be appointed in like manner as is herein after directed in the case of death, resignation, or other disability. Every naval officer, at the time of receiving his commission, shall enter into bond with good and sufficient security, in the penalty of five thousand pounds, for the due and faithful discharge of

his office according to law; and moreover to take the following oath, to be administered by the governor in council, to wit: "I A. B. do swear that I will be faithful and true to the commonwealth of Virginia, and will well and truly discharge the duty of naval officer for the district of _____ according to law, and the best of my skill and judgment, without favor, affection, or partiality. So help me God. Vacancies occasioned by the death, resignation, or other disability, of any of the said naval officers, shall be supplied by the governor, with the advice of the council, to continue in office until the end of the next session of assembly. Every naval officer shall, upon application, grant a permit, under his hand and seal, to the owner or master of a vessel within his district, to export out of this commonwealth any commodities whatsoever.

The oath.

Vacancies, how supplied.

Permits.

II. And to prevent the dangerous consequences that may arise from the breach and contempt of embargoes, *Be it further enacted*, That every master of a ship or vessel, when he makes his entry, shall give bond with security, in the penalty of one thousand pounds, that he will not depart this commonwealth when an embargo is laid, during the continuance thereof; and every naval officer, upon receipt of the order for such embargo, shall forthwith give notice thereof to the masters of vessels within his district; and no bond given, respecting such embargo, shall be adjudged, deemed, or taken to be forfeited, unless notice be given as aforesaid. Every naval officer at the time of, and before clearing out any vessel, shall administer to the master thereof the following oath (and if a Quaker he shall affirm) that is to say: "I A. B. master of the vessel

Rules for observing embargoes.

, do swear (or affirm, as the case may be) that I will make diligent enquiry and search in my said vessel, and will not knowingly or willingly carry or suffer to be carried in my said vessel, out of this commonwealth, without such pass as is directed by law, any person or persons whatsoever, that I shall know to be removing hence in order to defraud his or their creditors; or any servant or slave that is not attending his or her master or owner." And the master of every vessel who unloaded ballast, shall, at the time of clearing, produce to the naval officer a certificate as herein after mentioned, that such ballast was unloaded and brought on shore according to law; and on failure thereof, he

Oath to be taken by masters of vessels at clearing.

And certifies us to ballast produced.

Bond to be taken on granting a permit to trade.

shall forfeit and pay the sum of fifty pounds, to the use of the commonwealth. That every naval officer, at the time of granting a permit to load or trade, shall take bond of the master of the vessel, in the penalty of two hundred pounds, conditioned that he will not crop, cut away the bulge, draw the staves, or otherwise abuse or injure any tobacco cask freighted in his vessel or cause or suffer the same to be done with his knowledge, privity, or procurement, without the consent of the freighter or freighters; and if the naval officer shall neglect to take such bond, he shall forfeit and pay the sum of two hundred pounds, to be recovered by information, and applied, one moiety to the use of the commonwealth, and the other to the informer.

Naval officer's fees.

III. *And be it further enacted*, That the fees of the naval officers shall be as follows: For entering and clearing and all necessary papers for any vessel under sixty tons, except vessels transporting goods from one district to another, thirty shillings; for entering and clearing any vessel above sixty and under one hundred tons, forty shillings; for entering and clearing any vessel above one hundred tons and under two hundred tons, fifty shillings; for entering and clearing any vessel above two hundred tons, sixty shillings; to be paid in the current money of this state. If any naval officer shall presume to demand or take, directly or indirectly, any greater or other fee or fees, recompence or reward, than is allowed by this act, or shall connive at a false entry, and be thereof lawfully convicted, he shall be for ever after rendered incapable of holding such office, and another naval officer shall be appointed in his stead, in like manner as is directed in the case of resignation.

Penalty for overcharging, or conniving at a false entry.

To be prosecuted within one year.

Tables of fees to be set up in his office in English, French and Dutch.

IV. *Provided always, and it is further enacted*, That no naval officer shall be impeached or questioned for or concerning any offence aforesaid unless he be prosecuted for the same within one year. Every naval officer shall set up, or cause to be set up, in the most public place in his office, and constantly kept there, three fair written tables, or copies of the fees allowed by this act, that is to say, one in the English, one in the French, and one other in the Dutch language; and also a table in each of the said languages, shewing plainly and clearly the duties payable on all goods imported, and

the tonnage payable on vessels; and upon receiving any fee or fees of office, shall if required, give a receipt to the person paying, expressing the amount thereof, and the time the same was paid, under the penalty of ten pounds, to be recovered, with costs, by the party grieved. No vessel shall be cleared out unless the master thereof produces to the naval officer a manifest of the cargo on board, and makes oath, (or affirms if a Quaker) that the commodities to be exported have been inspected; stamped and branded, according to law; and if the naval officer gives a clearance without such manifest being produced to him, and oath or affirmation made as aforesaid, he shall forfeit and pay the sum of fifty pounds, to the use of the commonwealth. Every naval officer shall, and may go on board any vessel in which any commodities shall be laden, and seize, secure, and bring on shore any goods that have not been inspected, stamped, or branded, according to law; provided he shall have previously received information, on oath of the same; which goods so seized may, on due proof before two justices (one being of the quorum) that they were shipped contrary to this act, be ordered for sale, and the money arising therefrom applied one half to the use of the commonwealth, and the other half to the informer.

What shall be done previous to clearing out a vessel.

Penalty on naval officer.

His power to seize goods on board, not inspected or branded.

V. *And be it further enacted*, That no vessel belonging to any inhabitant or inhabitants of this state, shall be qualified to trade to any foreign parts or islands, until the owner or owners shall have registered his or their vessel in the tenour following: "Virginia to wit, Jurat A. B. that the ship _____, of _____, whereof _____ is at present master, being a _____, of _____, tons, was built at _____, in the year _____, and that _____, of _____, and _____, of _____, at present are sole owners thereof." Which oath shall be attested by the naval-officer under his hand, and the seal of his office affixed thereto, and being registered by the naval-officer, in a book to be kept for that purpose, shall be delivered to the master or owner of the vessel for the security of her navigation; and the naval-officer may demand and receive the sum of ten shillings for registering and recording the same; and for every endorsement thereon two shillings and six pence. Every naval officer shall enter in a book to be kept for that purpose,

Registers, their form.

Fees for them Books to be kept of entries and clearances.

a fair list of the entries, and in one other book a fair list of the clearances, of all vessels with their cargoes; and once in three months transmit a copy thereof to the governor, under the like pains for a neglect thereof as is herein before prescribed in the case of his demanding or taking exorbitant fees.

VI. *And be it further enacted*, That the bonds directed to be taken by this act, shall be made payable to the governor for the time being, and his successors, for the use of the commonwealth.

Regulations
for unlading
ballast.

VII. And whereas the casting of ballast into rivers or creeks must prove dangerous and destructive to navigation, for prevention whereof, *Be it enacted*, That immediately after the commencement of this act, the court of every county adjoining any navigable river or creek, shall appoint one or more fit person or persons, residing convenient to the places where vessels usually ride in such river or creek, to be directors of the delivery of ballast from on board any vessel within their district; and the clerk of the court shall forthwith issue and deliver to the sheriff of his county, an attested copy of such appointment, to be by him served on every person appointed, or left at his place of abode, of which the sheriff shall make due return to the next court, when and where every person so appointed shall appear, and make oath in open court, "That he will, when required, diligently attend the delivery of ballast from on board any vessel within his district, and will not knowingly permit the same, or any part thereof, to be cast into the water where navigable, but will direct, and to the best of his power cause all such ballast to be brought and laid on shore at some convenient place or places where it may not obstruct navigation, nor be washed into the channel; and that he will truly and faithfully execute his office without favor, partiality, or malice." If any person so appointed, and having notice, shall fail to appear before the said court, unless hindered by sickness or other legal disability, or being there, shall refuse to be sworn, he shall be fined twenty pounds; and the court shall, upon every such failure or refusal, or in case of death, removal, or other legal disability, of any person appointed, proceed to appoint another in his room, who shall take the same oath, and upon failure or refusal shall pay the same fine; which the court is hereby empowered and re-

quired to cause the sheriff to levy, and to be accounted for and paid by him to the treasurer. Every person so appointed and sworn, shall upon notice given him by the master of any vessel intending to discharge ballast, forthwith go on board, and attend until the same be delivered in manner directed by this act, and thereupon he shall give the master a certificate that the ballast on board his vessel has been duly unladen and brought on shore according to law; and for his attendance may demand and receive five shillings for every day he shall attend; to be paid by the master before certificate given; and if any such officer shall neglect to perform his duty as by this act directed, he shall forfeit and pay twenty pounds for every neglect or fault.

VIII. *And be it further enacted*, That if the master or commander of any ship or vessel within this state, suffer any ballast to be discharged from on board his vessel, without having a ballast-master on board, he shall forfeit and pay the sum of fifty pounds; one half of which to the informer, and the other to the use of the commonwealth.

Penalty for unloading ballast without a ballast-master.

IX. *And be it further enacted*, That any master of a vessel who shall be sued for any forfeiture accruing by this act, the court, in which such suit shall be brought, shall rule every such master to give special bail, in the same manner as by law heretofore they could do.

Masters of vessels sued for forfeitures under this act, may be ruled to bail.

X. *And be it further enacted*, That any master or skipper of a vessel transporting goods, wares, or merchandize, liable to a duty, from one district to another, shall produce a permit from the naval officer of the district from whence such goods were transported, certifying the duties were secured to be paid agreeable to law, and shall obtain a permit from the naval officer of the district to land them; and failing so to do, such goods, wares, and merchandize, shall be subject to the same forfeitures as goods, wares, and merchandize, are liable to, which are not legally entered and the duties secured to be paid; and for such permit each naval officer shall be entitled to receive two shillings and six pence.

Transporting goods from one district to another.

XI. *And be it further enacted*, That every ship or vessel, which shall at any time hereafter be entered in any district or port within this commonwealth, in or-

How the tonnage of vessels shall be ascertained.

der to unlade the goods or merchandizes imported ~~in~~ her, or in order to lade and take on board any tobacco or other goods or merchandize for exportation out of this commonwealth, that are subject by the laws now in force to pay tonnage, shall be gauged and measured in the manner following, that is to say: Every ship or vessel shall be measured by the length of the gun-deck; deducting three fifths of the greatest breadth from outside to outside, and multiplying the product by the breadth from out to out (and not within board) and that product again by half the said breadth, and that product divided by ninety four, which will give the true contents of the tonnage, according to which method and rule all ships and vessels shall be measured, and the said tonnage shall be computed and collected accordingly, any custom, practice or usage, to the contrary, notwithstanding. And the naval officer of each district, where he has reason to suspect that any ship or vessel is registered at less tonnage than her real burthen, shall be empowered to go on board the said ship or vessel and make a measurement of her as above directed.

Officers
sued, how
indemnified

XII. *And be it further enacted*, That if any naval officer, sheriff, constable, or any other person, shall be sued or molested for any thing done in execution of the powers given them by any act or acts of assembly, for imposing duties and imposts upon any goods, wares, or merchandize, brought within this commonwealth, such naval officer, sheriff, constable, or other person (as the case may be) may plead the general issue and give this act in evidence; and the defendant shall recover double costs, if the plaintiff be cast in such suit; in all actions, suits, or informations to be brought, or when any seizure of liquors, goods, wares, or merchandize, shall be made, if the property thereof be claimed by any person as the owner or importer thereof, the onus probandi shall lie upon such owner or claimer thereof.

CHAP. XXII.

An act directing the auditors to issue warrants in certain cases.[Chapter
CLXVI in
original.][Chan Rev.
p. 203.]

I. *BE it enacted by the General Assembly*, That the Auditors to issue warrants, for half pay, to officers of state line & navy.

II. *And be it further enacted*, That the auditors shall make a return of the amount of the said warrants to the next session of assembly, or as soon after as may be, that adequate funds may be provided for the discharge thereof. To return amount to next assembly.

CHAP. XXIII.

An act giving certain powers to the trustees of the town of Portsmouth.[Chapter
CLXVII in
original.]

I. **WHEREAS** it is represented to this present general assembly, by the inhabitants of the town of Portsmouth, that it would tend greatly to their advantage were the trustees thereof empowered to levy a tax annually on the tithables and real property therein, to be appropriated towards public improvements, and also empowered to make certain other regulations in the said town: Preamble.

II. *Be it therefore enacted*, That the trustees of the said town, or any four of them, being a majority shall, and they are hereby empowered and required, in the month of January annually, to assess the freeholders and inhabitants of the said town, so as such assessment do not exceed three shillings for every tithable, and one and an half per centum on the valuation of the real property therein; the said trustees, or the major part of them, shall annually appoint a collector of the said Trustees of town of Portsmouth authorised to assess taxes on inhabitants.

[To appoint
a collector.]

Power of
distress.

To erect a
market
house.

Penalties.

Hogs be-
longing to
inhabitants
of the town
not to run
at large
therein.

tax, who shall give bond with sufficient security, in double the sum to be by him collected, for the due and faithful collecting, accounting for, and paying the said tax to the said trustees, or to such person or persons as they shall direct and appoint, who shall receive a commission of two and an half per centum for his trouble in collecting and paying the same. If any person shall neglect or refuse to pay the tax imposed by virtue of this act, within ten days after the same shall be demanded, it shall then be lawful for the collector to make distress and sale of the goods and chattels of the person or persons so neglecting or refusing, or so much thereof as shall be sufficient to pay the said tax, in the same manner as is by law directed in the case of county and parish levies; and if other sufficient distress cannot be made, it shall be lawful for the collector to distrain and sell the lot of any person liable to pay the said tax, in the same manner as is by law directed in the case of non-payment of public taxes. The said trustees, or the major part of them, are hereby empowered to contract and agree with any person or persons for erecting a market-house, and shall have power, from time to time, to regulate the same; and moreover contract with any person or persons for repairing the streets, and making such other public improvements as to them shall seem necessary and proper. If the trustees shall fail to apply the taxes for the purposes of this act, each trustee shall forfeit and pay the sum of two hundred pounds; to be recovered, with costs, by information in any court within this commonwealth, to the use of the informer; and moreover be thereafter disabled from acting as a trustee. If the collector shall fail to account for, and pay the taxes by the time fixed by the trustees for the payment thereof, it shall be lawful for the court of Norfolk county, upon motion of the said trustees, to give judgment against such collector or his security, for the amount of the said taxes, and ten per centum interest thereon till paid, with costs, and thereupon to award execution; provided the collector or security has ten days previous notice of such motion. It shall not be lawful for any person or persons, inhabitants of the said town, owners of any swine, to suffer the same to go at large in the limits thereof; and if any swine belonging to an inhabitant of the said town, shall, after the first day of January next, be found

running or going at large within the said limits, it shall be lawful for any person whatsoever to kill and destroy every such swine. Nothing herein contained shall be deemed or taken to hinder any person or persons from driving any swine to or through the said town or limits thereof, in order to sell the same, or in their removal from one plantation to another.

CHAP. XXIV.

Ch. CLXVIII
in original.

*An act for paying the soldiers late
from the southern army belonging
to the Virginia continental line
three months wages.*

Repealed,
post c. 43.

I. WHEREAS no provision hath been made for 3 months
advancing three months pay to the troops of this state's pay advanced to the
line of continental soldiers, lately arrived in the city of soldiers of
Richmond, and daily expected therein, from the south- this state, on
ern army: continental

II. *Be it therefore enacted,* That out of the fund ap- establish
propriated for the defence of the bay of Chesapeake, ment, from
and also out of that arising under the law for recruit- the southern
ing this state's quota of troops to serve in the army of army.
the United States, there shall be so much money paid
by the treasurer, to the orders of the executive, as shall
be sufficient for the purpose of compleating three months
pay to the soldiers now in this city, and such others of
the said line as may arrive therein from the southern
army.

CHAP. XXV.

[Chapter
CLXIX in
original.]

*An act to amend the act, intituled an
act to amend the act for calling in
and redeeming certain certificates.*

Preamble.

I. WHEREAS it has been impracticable for the auditors of public accounts to settle the claims against this state, agreeable to the directions of an act, intituled, "an act for auditing certain public claims;" and the business assigned to the auditors, under the act aforesaid, has been placed in the hands of commissioners, whereby the creditors of the public may be prevented from receiving warrants for the same until the first day of January next;

Collections
if taxes postponed.

II. *Be it enacted*, That the collection of the taxes imposed by an act, intituled, "an act for calling in and redeeming certain certificates," which by an act of the last session of assembly was postponed until the first day of August next, shall be, and the same is hereby further postponed until the first day of February next.

Provisions
as to sheriffs
bonds.

Provided, That any sheriff whose time may expire before the first day of November next, and who may have given bond with security for the collection of the said taxes, such bond shall be cancelled; and the sheriff succeeding in office, in like manner, give bond with security, agreeable to the said act. *And whereas* by the said last recited act, the courts of every county were required, before the month of November last, to take bond of the sheriff, with sufficient security, in the penalty of ten thousand pounds, payable to the treasurer of this commonwealth and his successors, for the use of the commonwealth, conditioned for the true and faithful collecting, paying, and accounting for, all taxes in his county, imposed by the said act; which bond was omitted to be taken of the sheriffs in several counties;

New bonds
by sheriffs.

III. *Be it enacted*, That the court of every county where the sheriff has not entered into such bond, for the collection of the said taxes, shall, before the first day of January next, take bond of the sheriff, with sufficient security, as in and by the said act is directed; which said bond shall be recorded in the court of the county where the same is taken, and an attested copy

thereof shall be transmitted by the respective clerks, without delay, to the auditors of public accounts, and admitted as evidence in any suit or proceeding founded thereon.

IV. *And be it enacted*, That all free male persons, and also all slaves, who have been, or shall be, by the county courts exempted from payment of taxes under the revenue law, on account of age or infirmity, shall be exempted also from payment of the capitation tax imposed by the said recited act. Exempts from taxation.

V. *And be it further enacted*, That the tax of one per cent. on the valuation of land, by the said act imposed, shall be regulated and collected according to the equalized value thereof, as the same has been charged by the examiners appointed under the act of the last session of assembly, intituled, "An act for equalizing the land tax." And whereas it is represented to this present general assembly, that the examiners, under the act aforesaid, have committed mistakes in extending the amount of the sums due by the respective persons, on the estimate of the quantity of land belonging to each, at the price so by them equalized; Tax on land, how regulated.

VI. *Be it enacted*, That the county commissioners shall, and they hereby are required, to estimate every charge in the books to them committed; and where it shall appear that any mistake has been made by the examiners aforesaid, the said commissioners shall, and they are hereby required to correct the same in the lists by them delivered or to be delivered to the respective sheriffs for the collection of the present year, and to transmit to the auditors an account of their proceedings herein, on or before the first day of November next, to enable them to make corresponding entries in the books returned by the examiners, and to settle with the sheriffs for the sums by them actually received; for which the commissioners of each county shall be allowed the sum of four pounds, to be paid by the treasurer, on the auditors warrants, as their other fees are; all which warrants shall be receivable by the sheriff in payment of taxes. County commissioners to correct mistakes of examiners, under the equalizing law, in the extension of taxes.

[Ch. CLXX
in original.]

CHAP. XXVI.

*An act for establishing a town in the
county of Princess Anne.*

Town of
Kempsville,
in Princess
Anne coun-
ty, establish-
ed.

I. *BE it enacted by the General Assembly, That* sixty acres of land lying at the place commonly called and known by the name of Kemp's Landing, in the county of Princess Anne, be, and the same is hereby vested in, John Thoroughgood, Anthony Lawson, William Wishart, John Ackiss, Lemuel Thoroughgood, Lemuel Cornick, John Hancock, and Joel Cornick, gentlemen, trustees, to be by them, or any five of them, laid out into lots of half an acre each; with convenient streets; which shall be, and the same is hereby established a town, by the name of Kempsville. That so soon as the said sixty acres of land shall be so laid off into lots and streets, the said trustees, or any five of them, shall proceed to sell the same at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for one month in the Virginia Gazette; the purchasers to hold the said lots respectively, subject to the condition of building on each of the said lots a dwelling-house twenty feet square at least, with a brick chimney, to be finished fit for habitation within three years from the day of sale; and the said trustees, or any five of them, shall, and they are hereby empowered, to convey the said lots to the purchasers thereof in fee simple, subject to the condition aforesaid, and pay the money arising from the sale thereof to the proprietor or proprietors thereof, or their legal representatives. The said trustees, or any five of them, shall have power, from time to time, to settle and determine all disputes concerning the bounds of the lots, and to establish such rules and orders for the regular building of houses thereon as to them shall seem best and convenient; and that in case of the death, removal out of the county, or other legal disability, of any one or more of the said trustees, it shall be lawful for the surviving or remaining trustees, to elect and choose so many other persons, in the room of those dead or disabled, as shall make up the number eight; which trustees, so

Lots, how
disposed of.

Power of
trustees.

chosen, shall, to all intents and purposes, be vested with the same powers and authority as any other in this act particularly nominated and appointed. That the purchasers of the lots in the said town, so soon as they shall have built upon and saved the same, according to the conditions of their respective deeds of conveyance, shall then be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon, within the time before limited, the said trustees, or the major part of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said town. *Provided always*, That nothing herein contained shall be construed or taken, so as to authorize the said trustees to sell any lot in the said town, which shall be built upon according to the directions of this act, nor to remove any dwelling-house, store, or kitchen, within less than fifteen years from the passing of this act.

Privileges of
inhabitants.

CHAP. XXVII.

An act to amend an act, intituled, an act declaring tenants of Lands or slaves in tville, to hold the same in fee simple.

[Chapter
CLXXI in original.]
[Chan. Rev.
p. 244.]

I. WHEREAS by the operation of an act, intituled, "an act declaring tenants of lands or slaves in tville, to hold the same in fee simple;" the conditional provisions made by many persons for the several branches of their families may be defeated, and the estates intended as such provisions become escheated to the commonwealth: For remedy whereof, *Be it enacted*, That all estates in lands or slaves, which by virtue of the said act have become, or shall hereafter become

Lands or
slaves es-
cheated, in
consequence
of the act
destroying
entails, to go
according to
the destruc-
tion.

Not to restrain the tenant from conveying, nor exempt from debts.

escheatable to the commonwealth, for defect of blood, shall descend and be deemed to have descended, agreeable to the limitations of the deed or will creating such estates. *Provided always*, That nothing in this act contained shall be construed to restrain any tenant of such lands or slaves from selling, or conveying the same by deed, in his or her life-time, or disposing thereof by his or her last will and testament; and that all such estates shall remain liable to the debts of the tenants, in the same manner as lands and slaves held in fee simple. *Provided also*, That this act shall not extend to any lands or slaves which have been escheated and sold for the use of the commonwealth.



[Chapter
CLXXII in
original.]

CHAP. XXVIII.

An act for incorporating the trustees of Hampden-Sydney.

Preamble.

I. WHEREAS it is represented to the present general assembly, that an academy has been founded in the county of Prince Edward, and which hath been supported by the generous donations of a few public spirited citizens for several years past; but that in order to make the advantages arising therefrom more permanent and diffusive, certain privileges are essentially necessary for conducting the same in future to greater advantage; and this assembly, warmly impressed with the important advantages arising to every free state by diffusing useful knowledge amongst its citizens, and desirous of giving their patronage and support to such seminaries of learning as may appear to them calculated to promote this great object:

Hampden
Sydney academy
incorporated by
the name of
the College
of Hampden
Sydney.

II. *Do hereby enact*, That from and after the passing of this act, the said academy shall obtain the name and be called the college of Hampden-Sydney, and that the Rev. John Blair Smith, Patrick Henry, William Cabell, senior, Paul Carrington, Robert Lawson, James Madison, John Nash, Nathaniel Venable, Everard Meade, Joel Watkins, James Venable, Francis Wat-

kings, John Morton, William Morton, Thomas Reade, William Booker, Thomas Scott, senior, James Allen, Charles Allen, Samuel Woodson Venable, Joseph Parke, Richard Foster, Peter Johnston, the Rev. Richard Sankey, the Rev. John Todd, the Rev. David Rice, and the Rev. Archibald M^rRoberts, and their successors, are hereby constituted a body politic and corporate, by the name of the president and trustees of Hampden-Sydney college, who shall have perpetual succession and a common seal; and that they and their successors, by the name aforesaid, shall be able and capable in law to possess, purchase, receive, and retain to them and their successors for ever, any lands, tenements, rents, goods, or chattels of any kind whatsoever, which may have been given already, or shall in future be given or purchased by them for the use of the said college, and the same to dispose of in whatsoever manner they shall adjudge most beneficial for the use thereof; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of law and equity, and from time to time, under their common seal, to make and establish such by-laws, rules, and ordinances, not being contrary to the constitution or laws of this commonwealth, as by them shall be thought necessary for the good order and government of the professors, masters, and students, of the said college.

Trustees appointed.

Style of corporation.

Corporate powers.

III. *And be it further enacted*, That the said president and trustees, or any seven of them, shall have full power and authority to meet at such times as they shall think necessary, for the examination of any candidates for literary degrees, and they are hereby empowered and authorized to confer those degrees on such students as in their opinion shall merit the same, in as ample a manner as any other college in America can do, and to grant testimonials thereof, under their common seal, signed by the president and five of the trustees at least; and that the president and trustees, or any seven of them, are hereby authorized and required to meet at the said college, on some day to be appointed by the president, on or before the first day of October next, and then and there to elect and commission, under their common seal, such professors and masters as they shall judge necessary for the purposes of the institution. And that in order to preserve in the minds of the

Power of trustees to confer degrees.

Caution to elect professors and masters, attached to the principles of the revolution. students, that sacred love and attachment which they should ever bear to the principles of the present glorious revolution, the greatest care and caution shall be used in electing such professors and masters, to the end that no person shall be so elected unless the uniform tenor of his conduct manifests to the world his sincere affection for the liberty and independence of the United States of America.

Treasurer for colleges, how elected and qualified IV. *And be it further enacted,* That the president and trustees, or any ten of them, shall elect by ballot a treasurer for the said college, who shall give bond and security, payable to the trustees and their successors, for the faithful discharge of the trust reposed in them; and shall, when required by the corporation, render an account of all monies, goods, and other chattels, received and expended by him on account of, and for the use of the said college; and on failure or refusal so to do, shall be subject to the like proceedings as are prescribed by law in the case of sheriffs failing to account for, and pay into the treasury, the public taxes in their hands.

Power of trustees to remove officers. V. *And be it further enacted,* That the said trustees, or a majority of them, shall have power to remove or suspend the president, or any or all of the masters, at any time, on good cause shewn, and to supply the vacancy occasioned by such removal from office; and upon the death, resignation, or refusal to act of the president or any of the trustees, or when there shall be a vacancy in any of the professorships, it shall be lawful for the remaining trustees, or a majority of them, to supply the same by new elections; it shall be also lawful for the president, or in case of death, resignation, or refusal in him to act, the professors and masters for the time being, or a majority of them, to call a meeting of the trustees, when he or they (as the case may be) shall see cause so to do. *Provided nevertheless,* That the president and trustees, before they enter upon the execution of the trust reposed in them by this act, shall severally take the following oath or affirmation, to be administered by a justice of the peace

Vacancies how supplied.

Meetings of trustees, how called.

Oath of officers.

of the said county of Prince Edward, and by him certified to the court of the said county, there to be recorded, that is to say: "I, A. B. do swear (or affirm) that I will, to the best of my skill and judgment, faithfully and truly discharge the duties required of me by

‘An act for incorporating the trustees of Hampden Sydney,’ without favour, affection, or partiality. So help me God.” And that the clerk of the said court for entering the same shall receive of the trustees the sum of one Spanish milled dollar.

CHAP. XXIX.

An act to legalize certain proceedings of the county court of Cumberland, and for other purposes.

[Chapter CLXXXI in original.]

[Chas. Rev. p. 204.]

I. WHEREAS in consequence of the destruction of the court-house of the county of Cumberland by fire, the justices of the said county convened and held a monthly meeting of the court, in the month of February last, at the place where the said court-house formerly stood, and proceeded to the business before them, without any previous adjournment of time or place, and doubts have arisen whether the proceedings then and there had by the said court are not thereby rendered illegal; *Be it therefore enacted by the General Assembly,* That the proceedings of the justices of the said county court of Cumberland, at a court by them held in the month of February last, at the place aforesaid, shall be, and the same are hereby declared to be valid and effectual in law, in like manner as if the same had been held and done with due adjournment of time and place.

Court house of Cumberland county having been burnt, proceedings of subsequent court legalized.

II. And for preventing the inconveniencies which might otherwise result from the like accidents, *Be it further enacted,* That where the court-house of any county hath been, or may be destroyed or rendered unfit for use, the court of the county, or a majority of them, shall be, and they are hereby authorized, to hold their sessions at any place they may appoint, until such court-house can be rebuilt or repaired.

Any court whose court-house is burnt, may sit elsewhere.

[Chapter
CLXXIV in
original.]
Chan. Rev.
pa. 204.

CHAP. XXX.

*An act directing the enlistment of
guards for the public prison and
stores.*

Preamble.

I. WHEREAS it is necessary that proper guards should be kept at this time over the public prison and certain places where public stores are deposited, and it is meant by this assembly to take measures for relieving the militia from such duty as soon as possible: *Be it therefore enacted.* That it shall and may be lawful

Governor &
council to
enlist guards

for the governor, with advice of council, to cause as many men, not exceeding twenty-five, with proper officers, to be enlisted as guards for public service, as he, the said governor, with advice of council, may deem necessary, and may retain the same in service so long as the public exigencies may require. *Provided always,*

Provide.

That if the delegates representing this state in general congress, shall, on application, procure such a number of the soldiers of the line of this state, enlisted for three years in the continental army, as may be sufficient for the purpose aforesaid, then the said guards, and officers enlisted to command the same, shall be discharged.

CHAP. XXXI.

[Chapter
CLXXV in
original.]

*An act to suspend the sale of certain
escheated lands late the property of
John Connolly.*

I. WHEREAS it hath been represented to this assembly, by John Campbell, lately returned from captivity, that in his absence an act of assembly, passed in the year one thousand seven hundred and eighty, "For establishing the town of Louisville, in the county of Jefferson," whereby one thousand acres of land,

Sale of cer-
tain lands
whereon
town of Lou-
isville, in
Kentucky
laid out, and

then supposed to be the property of John Connolly; was directed to be laid out into lots and streets, and the money arising from the sale thereof to be paid into the treasury: And whereas the said one thousand acres of land was, at the time of passing the said act, under a mortgage to the said John Campbell and one Joseph Simon, as a security for the payment of four hundred and fifty pounds Pennsylvania currency, due to them from the said John Connolly: And whereas other one thousand acres contiguous thereto, said to be the property of the said John Campbell, but then supposed to belong to the said John Connolly, together with the said one thousand acres on which the said town was established, were escheated whilst the said Campbell was in captivity, and are now liable to be sold under the act "Concerning escheats and forfeitures from British subjects," whereby great injury may accrue to the said John Campbell:

contiguous thereto, escheated as the property of John Connolly, but mortgaged to John Campbell & Joseph Simon, suspended.

11. *Be it therefore enacted*, That all farther proceedings respecting the sale of the said lots and lands shall be, and the same are hereby suspended until the end of the next session of the general assembly.

CHAP. XXXII.

An act to amend an act intituled An act concerning the appointment of sheriffs.

[Chapter CLXXVI in original.]
[Chan. Rev. p. 204.]

1. WHEREAS by an act, intituled, "An act concerning the appointment of sheriffs," it is enacted, that the court of every county within this commonwealth, shall annually between the last day of March and the last day of May, nominate to the governor or chief magistrate for the time being, two persons named in the commission of the peace for their county, one of which persons so nominated, shall be commissioned by the governor to execute the office of sheriff of that county; and shall qualify to his commission at the court to be held for the county in November, or if no court shall

Preamble.

be then held, or he shall be unable to attend, at the next succeeding court; which, in one instance, is contrary to the constitution or form of government, and in another, unnecessarily abridges the time which sheriffs were by law authorized to continue in office. *Be it therefore enacted*, That the said act, so far as it directs the county courts of this commonwealth annually, to nominate to the governor or chief magistrate for the time being, two persons named in the commission of the peace for their county, and that one of those persons, so nominated, shall be commissioned by the governor, to execute the office of sheriff of that county, shall be, and the same is hereby repealed.

So much of former act as directs county courts to nominate two persons, annually, in commission of peace, one of whom to be commissioned as sheriff, repealed.

When courts are to nominate for sheriffs.

II *And be it further enacted*, That the courts of the several counties of this commonwealth, shall nominate sheriffs in the months of April or May, in all cases where heretofore they ought to have been nominated in the month of August; and the sheriffs so nominated shall be commissioned by the governor, in manner as by the said act is directed.

III. *Be it further enacted*, That where the justices of any county or counties have neglected to nominate sheriffs, between the last day of March and the first day of June, in the present year, agreeable to the directions of the said act, it shall and may be lawful for such justices, at their respective courts to be held for the month of August or September next, to nominate sheriffs in the same manner as if the said act had never passed.

CHAP. XXXIII.

[Chapter
CLXXVII in
original.]*An act for dissolving the vestry of the
parish of Lynnhaven, in the coun-
ty of Princess Anne.*

I. WHEREAS it hath been represented to this present general assembly, that the present vestry of the parish of Lynnhaven, in the county of Princess Anne, have not been elected by the freeholders and housekeepers of the said parish, and that for the last two years a vestry for the said parish has not been held, whereby the poor have been neglected and much distressed: For remedy whereof,

Vestry of
parish of
Lynnhaven,
in county of
Princess
Anne dis-
solved, and
new vestry
to be elect-
ed.

II. *Be it enacted*, That the vestry of the said parish of Lynnhaven be, and the same is hereby dissolved.

III. *And be it further enacted*, That the freeholders and housekeepers of the said parish of Lynnhaven, shall, before the thirty first day of August next, meet at some convenient time and place, to be appointed and publicly advertised by the sheriff of the said county of Princess Anne, at least one month before such meeting and then and there elect twelve of the most able and discreet persons, being freeholders and residents in the said parish, for vestrymen; which vestrymen, so elected, having in the court of the said county of Princess Anne, taken the oaths prescribed by law, shall to all intents and purposes be deemed and taken to be the vestry of the said parish of Lynnhaven.

Their pow-
ers.

IV. *And be it further enacted*, That the vestry to be elected by virtue of this act, shall levy and assess upon the tithable persons of the said parish of Lynnhaven, all such sums of money and quantities of tobacco as ought to have been levied and assessed by the said vestry. *Provided nevertheless*, That notwithstanding any thing in this act contained, any suit or suits brought by or against the vestry or church wardens of the said parish, and now depending, may be prosecuted in the same manner as if this act had never been made.

[Chapter
XXIV
in original.]

CHAP. XXXIV.

*An act for the payment of wages to
the members of the present general
assembly.*

Preamble.

I. WHEREAS it is essential to the independence of the members of the general assembly, and to the due discharge of their duty, that they should receive the money deemed by law necessary for their subsistence while on public service. And whereas the funds for the payment of the same are inadequate, and those for defending the bay and recruiting the army are not now applicable to the purposes for which they were raised;

Three
fourths of
the wages of
the members
of assembly
to be paid
for the pre-
sent.

II. *Be it therefore enacted by the general assembly, and it hereby enacted by the authority of the same, That* the treasurer shall pay three-fourths of the amount of the warrants issued to each member of this assembly for their services during the present session, out of the monies levied for the defence of the bay, and for recruiting this states quota of troops to serve in the army of the United States. And whereas the laws now in force for recruiting this state's quota of troops, to serve in the army of the United States, direct the monies to be levied for that purpose to be paid in to the receipt or order of the executive, for the more speedy and effectual purpose of recruiting the army, which is now no longer necessary,

Monies levi-
ed for re-
cruiting ser-
vices, to be
paid into
treasury, in-
stead of to
order of ex-
ecutive.

III. *Be it enacted, That* the executive shall direct all the monies that have been or shall be so as aforesaid paid into the receipt or order of the governor and council, where the same hath not been applied to the purpose of recruiting, to be paid into the public treasury.

IV. *And be it further enacted, That* the chaplain, the clerks, and the other officers of the two houses of assembly, shall also be entitled to receive the sum of seven shillings and sixpence per day each, in part of their wages, out of the said appropriated fund.

CHAP. XXXV.

An act to authorize and confirm marriages in certain cases.

I. WHEREAS it hath been represented to this present general assembly, that many of the good people in the remote parts of this commonwealth are destitute of any persons, authorized by law, to solemnize marriages amongst them: *Be it enacted*, That where it shall appear to the court of any county, on the western waters, that there is not a sufficient number of clergymen authorized to celebrate marriages therein, such court is hereby empowered to nominate so many sober and discreet laymen as will supply the deficiency; and each of the persons so nominated, upon taking the oath of allegiance to this state, shall receive a license to celebrate the rites of matrimony according to the forms and customs of the church, of which he is reputed a member, between any persons regularly applying to him therefor within the said county, that is to say, the parties so applying shall produce a marriage license, obtained as the law requires, or a certificate that their intention of marriage has been thrice published, agreeable to the directions of this act, and no legal objection made against their joining together as husband and wife, given under the hand of the person by whom such publications were made, and witnessed by a magistrate or commissioned officer of the militia.

II. *And be it further enacted*, That all publications of banns of matrimony, on the said western waters, shall be made on three several days, and not in less time than two weeks, in open and public assemblies, convened for religious worship or other lawful purposes, within the bounds of the respective congregations or militia companies, in which the parties to be married severally reside. For a certificate of publication, the person making the same may demand and receive three shillings; and for the celebration of a marriage, the licensed minister or layman may demand and receive six shillings, and no more; and any person who shall certify a publication of such banns, or celebrate a marriage, contrary to the directions of this act, shall

Ch. CLXXIX
in original.
Chan Rev.
pa. 255.
See October
1780, ch. 16,
vol. 10, pa.
261.

Courts on
the western
waters may
license lay-
men to mar-
ry.

Parties to
produce a
license, or
certificate of
publication
of banns.

How publi-
cation of
banns shall
be made.

Fees.

VOL. 10

Penalties. forfeit and pay the sum of five hundred pounds, to be recovered with costs, in any court of record, the one half to the informer, and the other half to the overseers of the poor for the use of the parish, and shall moreover suffer one year's imprisonment, without bail or mainprize.

Former marriages confirmed.

III. And whereas some magistrates and others, not authorized by law, have been induced, by the want of ministers, to solemnize marriages on the said western waters: *Be it enacted*, That all such marriages, heretofore openly and solemnly made, or which shall be so made before this act shall take effect, and have been consummated by the parties cohabiting together as husband and wife, shall be taken, and they are hereby declared good and valid in law; and all and every person or persons solemnizing such marriages, are, and shall be exonerated from all pains and penalties therefor, as if they had been authorized ministers.—

Proviso to restrain incests and polygamy.

Provided always, That nothing herein contained shall extend or be construed to extend, to confirm any marriages heretofore celebrated, or which may hereafter be celebrated, between parties within the degrees of consanguinity or affinity, forbidden by law, or where either of the parties were bound by a former marriage to a husband or wife then alive.

CHAP. XXXVI.

Ch. CLXXX in original.

An act to amend an act, intituled An act to vest certain escheated lands in the county of Kentucky in trustees for a public school.

Preamble,

I. WHEREAS by an act of assembly, intituled, "An act to vest certain escheated lands in the county of Kentucky in trustees for the purpose of a public school," eight thousand acres of escheated lands were vested in certain trustees therein named, as a free donation from this commonwealth for the purpose of a public school or seminary of learning, to be erected

within the said county, now called the district of Kentucky, as soon as the circumstances of the country and the state of its funds will admit. And whereas it hath been represented to this general assembly, that voluntary contributions might be obtained from individuals in aid to the public donations, were the number of the aforesaid trustees now alive and willing to act, increased, and such powers and privileges granted them by an act of incorporation as are requisite for carrying into effect the intentions of the legislature in the said act more fully recited:

II. *Be it therefore enacted*, That William Fleming, William Christian, Benjamin Logan, John May, Levi Todd, John Cowan, Edmund Taylor, Thomas Marshall, Samuel M'Dowell, John Bowman, George Rogers Clark, John Campbell, Isaac Shelby, David Rice, John Edwards, Caleb Wallace, Walker Daniel, Isaac Cox, Robert Johnson, John Craig, John Mosby, James Speed, Christopher Greenup, John Crittenden, and Willis Green, are hereby constituted a body corporate and politic, to be known by the name of the trustees of the Transylvania seminary; and by that name shall have perpetual succession, and a common seal, with power to break, change, and renew their said seal at pleasure, and to exercise all the other powers and privileges that are enjoyed by the visitors and governors of any college or university within this state not herein limited or otherwise directed.

Transylvania seminary incorporated.

Style of corporation.

Corporate powers.

III. *And be it further enacted*, That the said eight thousand acres of escheated lands in the district of Kentucky, late the property of Robert M'Kenzie, Henry Collins, and Alexander M'Kee, be hereafter held, and the same is hereby vested in the before named trustees and their successors, for the purposes and under the reservations in the said act expressed.

Certain escheated lands of Robert McKenzie, Henry Collins and Alexander McKee, vested in trustees.

IV. *And be it further enacted*, That the before named trustees and their successors, by the name of the trustees of the Transylvania seminary, shall be able and capable in law, to take, hold, purchase, receive, and retain to them and their successors for ever, any lands, tenements, rents, goods, or chattels of what kind soever, which shall be given or devised to, or purchased by them for the use of the said seminary; and the same or any part thereof to lease, sell, alien, grant, or dispose of in such manner as to them may

Capacity of trustees to take.

appear most for the advantage of the said seminary. *Provided*, That no lands given by the commonwealth shall ever be sold without special leave first obtained from the legislature; and also from time to time to establish bye-laws, rules, and ordinances, not contrary to the constitution or laws of the commonwealth, as by them shall be thought necessary for the good order and government of the said seminary. The said trustees, before they enter upon the execution of the trust reposed in them, shall severally take the usual oath of fidelity to government, and also the following oath of office, to be administered by either of the judges of the supreme court of the district of Kentucky to the trustee then present that stands first in the nomination, and by him to the other trustees, that is to say: "I, A. B. do swear (or affirm) that I will, to the best of my skill and judgment, faithfully and truly discharge the duties of a trustee, required of me by an act, intituled, 'An act to amend an act, intituled, an act to vest certain escheated lands in the county of Kentucky in trustees for a public school,' without favor, affection, or partiality. So help me God." And the same oath of fidelity, and a similar oath of office, shall be administered by the board of trustees, to the president, professors, and masters of the said seminary, and also to their treasurer and clerk. And as a testimony that the general assembly are solicitous for the good education of youth in every part of the community, and at all times disposed to give every assistance to seminaries of learning that may comport with the low state of the public funds;

Oath of trustees.

Lands of seminary exempt from taxation.

Professors, masters and students exempt from militia duty.

V. *Be it enacted*, That twenty thousand acres of land belonging to the said Transylvania seminary, if so much shall at any time be obtained for its use, shall forever be exempted from all public taxes; and any greater quantity belonging to the same, shall likewise be exempted from taxation until the first day of January, which shall be in the year of our Lord one thousand seven hundred and ninety-five; any law to the contrary notwithstanding. And all the professors, masters, and students enrolled in the said seminary, so long as they continue to reside therein, shall be exempted from militia duty; and all lands within the said district, the whole amount of which does not exceed twelve thousand acres, that now are or hereafter may become, es-

cheatable to the commonwealth, shall, when escheated, be vested in the said trustees and their successors as a free donation from the commonwealth for the use of the said seminary; and upon paying the office fees, and other charges accruing thereupon, a title shall pass to the said trustees as if such lands had been purchased by them at their full value. *Provided*, This donation shall not be construed to extend to any lands belonging to real British subjects or others, so as to contravene the treaty of peace between Great Britain and the United States of America, nor ever exceed in the whole amount the aforesaid quantity of twelve thousand acres.

Lands here-
after escheat-
ed in Ken-
tucky, to
vest in trust-
tees

Provido.

VI. *And be it further enacted*, That the before named trustees and their successors, are empowered, at any convenient place or places within the said district of Kentucky, to erect, repair, enlarge, and furnish such buildings for the use of the said seminary; and to elect by ballot a president, treasurer, and clerk, and so many professors and masters as may be necessary; also to transact and accomplish any lawful matter or thing whatsoever, which they shall judge most conducive to the end of the institution, and consistent with the state of its funds. The president, and the other officers aforesaid, shall have fixed salaries appointed them, and continue in office during good behaviour, and they shall be ineligible as trustees while they continue in office; but upon invitation or leave given by the board of trustees, the president, or any of the professors, may attend and debate upon any question under their deliberation.

Power of
trustees to e-
rect bul-
dings, and ap-
point pro-
fessors.

Salaries and
tenure of
office.

VII. *And be it further enacted*, That the first session of the said trustees shall be held at John Crow's station, in Lincoln County, on the second Monday in November next; and thereafter they shall hold two stated sessions in every year, at any convenient place in the said district to which they shall adjourn, to commence on the second Mondays in April and October, until these stated times are altered by the concurrence of not less than thirteen of the said trustees. The said trustees so met, or any five of them, if more do not attend, shall have power to adjourn to the next stated session, or to any shorter time; and in cases of emergency, the chairman, with the advice, or at the request of any five of the trustees, shall also have pow-

Sessions of
trustees,
when and
where to be
held.

Adjourned
and called
meetings.

For what degree of absence, seat vacated.

er to call a meeting of the board, to be held at the place to which their last adjournment was made. And if any one of the said trustees shall absent himself from three of their stated sessions successively, he shall be considered as having vacated his seat, and at their next stated session another trustee shall be elected to serve in his stead, unless the board shall then be well assured that the causes of such absence are removed.

Number of trustees necessary for particular objects.

VIII. *And be it further enacted*, That not less than thirteen of the said trustees shall constitute a board to determine upon any matter relating to the said seminary, and in fixing upon the place for establishing the seminary, forming the constitution thereof, electing the president and professors, and ascertaining their salaries; as also in the disposal of any lands belonging thereto, thirteen of the members shall concur in opinion thereupon. *Provided always*, That no land or other property, that may hereafter be vested in the said trustees, as an unalienable endowment to the said seminary, shall ever be sold or otherwise transferred from the special purpose to which it was appropriated by the donor.

Treasurer to give bond.

IX. *And be it further enacted*, That the treasurer, first giving bond and security for such sum as the trustees shall direct, payable to the chairman for the time being, and conditioned for the faithful discharge of his trust, shall receive all monies accruing to the said seminary, and other property sent to his care, and pay or deliver the same to the order of the board of trustees, signed by their clerk, and countersigned by their chairman; and when thereunto required by the board, shall render an account of all such monies, goods, and chattels, to him committed, and on failure or refusal, upon motion made to the county court in which he resides, after ten days previous notice given him by the said trustees, he shall be subject to the like proceedings as at the time may be lawfully had against sheriffs failing to account for and pay their public collections.

His powers & liability.

Examination of students.

X. *And be it further enacted*, That the said trustees shall, once at their stated session in every year, and again on any convenient time, either on or before their second stated session in the same year, in the presence of as many gentlemen of liberal education as may choose to attend, cause all the students in the said seminary to be carefully examined by the professors and masters of

the same, on the several branches of learning which they have respectively studied, that the fidelity of the teachers, and the diligence of their pupils may appear; and at the second stated session aforesaid, the president in open assembly shall, as has been accustomed in like cases, confer by diploma, signed by the president and any five or more of the trustees, the degrees of Bachelor or Master of Arts, upon all such students, if such there be as the said trustees, with the concurrence of a majority of the professors shall adjudge to have merited the honors of the seminary, by their virtue and erudition; and at the same time confer any honorary degrees which, with the like advice, shall be adjudged to other gentlemen on account of special merit.

Degrees,
what and
how confer-
red.

XI. *And be it further enacted*, That upon the death, resignation, or other legal disability, of any of the said trustees, it shall be lawful for a majority of the remaining trustees, at their next or any succeeding stated session, to supply such vacancies by ballot, and thereby keep up a succession until the mode of electing trustees shall be otherwise directed by law. *Provided always*, when there is not a majority of votes in favor of any one of the candidates, a ballot shall then be taken between the two that have the greatest number, which shall determine the election of one trustee; and in like manner they shall continue to proceed by ballot, until the several vacancies are supplied.

Vacancies* of
trustees, how
supplied.

XII. *Provided always, and be it further enacted*, That the said trustees shall, at all times, be accountable for their transactions touching any matter or thing relating to the said seminary, in such manner as the legislature shall direct.

[Chapter
CLXXXI in
original.]

CHAP. XXXVII.

[Chan. Rev. p. 205.] *An act to authorize the United States in congress assembled to procure ten acres of land in this state, for the use of the United States.*

Congress of U States au-
thorised to
procure ten
acres of land
in this state
for the pur-
pose of erect-
ing maga-
zines

1. *BE it enacted*, That the congress of the United States shall be, and they are hereby authorized and empowered, to procure ten acres of land in any part of this state, for the purpose of erecting magazines for the use of the United States, by purchase, from any person or persons willing to sell the same; and in case a convenient seat cannot be procured by that means, it shall and may be lawful for the governor with the advice of council, to cause to be surveyed and laid off any quantity of land, not exceeding ten acres, in such place as major general Lincoln, or any other person appointed by congress, shall judge proper, and shall cause the same to be valued on oath, by twelve disinterested freeholders of the said county, where such land may be; which survey and valuation shall be certified by the persons making the same, to the court of such county, and there recorded. And upon payment or tender of the sum, to which such land shall be valued, to the owner or owners thereof, the same shall be vested in the United States for ever, for the purpose aforesaid.

If none will-
ing to sell,
how it may
be taken.

CHAP. XXXVIII.

[Chap.
CLXXXII in
original.]Chan. Rev.
p. 206.

An act to amend the act To amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act.

I. WHEREAS great loss has been incurred by the state from the receipt of the articles made commutable by an act, "To amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue into one act."

Preamble,

II. And whereas from the present situation of the country, it is unnecessary longer to continue that regulation; *Be it therefore enacted by the General Assembly*, That so much of the said recited act as makes tobacco, hemp, flour, or deer-skins, receivable in payment of the taxes imposed by the said act, shall be, and the same is hereby repealed.

Repeal of
act allowing
commuta-
bles for tax-
es. Revised
Oct 1783, c.
1.

III. *And be it further enacted*, That so much of the said recited act as relates to the duty upon wine and spirits, imported or brought into this commonwealth, shall be, and the same is hereby repealed. *Provided always*, That no ship or other vessel, belonging to any citizen or citizens of this commonwealth, and no ship or other vessel, under the burthen of sixty tons, belonging to any citizen or citizens of the state of Maryland, shall be subject to the duty on tonnage.

Also the du-
ty upon wine
and spirits;
and of the
tonnage of
Virginia ves-
sels & small
vessels of
Maryland.

IV. And whereas by the said recited act, all persons who were indebted for quit-rents due within the Northern-Neck, were permitted to retain the same in their hands until the future directions of the assembly.

V. And whereas it is unjust that the executors of the late proprietor of the Northern-Neck, should be any longer prevented from receiving what was due to the said proprietor at the time of his death: *Be it further enacted*, That so much of the said recited act as permit the persons indebted as aforesaid, to retain in their hands the sums due at the time of the death of the said proprietor shall be, and the same is hereby repealed.

Northern-
Neck quit-
rents restor-
ed to the
proprietor.

Courts having neglected to assign assessors, district are to do it.

VI. *And be it further enacted*, That the court of every county, where the same hath not been done pursuant to the said act, shall, on or before the first day of October next, divide their respective counties into convenient precincts, and proceed to take lists of the enumerated articles, in the same manner, and within the same periods of time, and under the like penalties for neglect of duty, as is prescribed and inflicted by the said act.

General court to meet in Feb. to give judgments against sheriffs.

VII. And whereas by an act of the present session, distress upon the collection of the taxes, due by virtue of the said recited act, is suspended until the month of November next, and no provision has been made to compel the several sheriffs and collectors to make speedy payment to the public treasury; *Be it further enacted*, That the respective sheriffs shall account for, and pay the amount of their several collections, made pursuant to the said act, into the public treasury, on or before the twentieth day of January next. And the judges of the general court shall hold an additional sessions, on the second monday in February next, for the sole purpose of receiving and hearing motions against delinquent sheriffs or collectors, and rendering judgment, and awarding execution thereupon, in like manner and effect as by law they can now do at the usual quarterly sessions of the said court, to continue until the business before them shall be finished.

Principal of officers' certificates not to be discounted for their taxes.

VIII. And whereas by an act of the present session of assembly, intituled, "An act to establish certain and adequate funds for the redemption of certificates granted to the officers and soldiers for their arrears of pay and depreciation," provision is made for the payment of interest, and part of the principal annually, of the said certificates, whereby it becomes unnecessary that any part of the principal of the said certificates may be discounted in taxes, *Be it further enacted*, That no discount of principal of any certificate issued or to be issued, to any officer or soldier, shall be allowed in discharge of the taxes imposed by the act, "To amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act."

Lists of tithables to be taken for levies.

IX. *And be it further enacted*, That nothing in the said act contained, shall be construed to prevent the several county courts from causing lists to be taken of

all free male tithables, between the ages of sixteen and twenty-one years, and of imposing taxes upon all such, for the purposes of county or parish levies. This act shall commence and be in force from and after the first day of July next.

CHAP. XXXIX.

[Chapter
CLXXIII in
original.]

Chan. Rev.
p. 206.

An act for giving further time to enter certificates for settlement rights, and to locate warrants upon pre-emption rights, and for other purposes.

I. WHEREAS sundry persons have been hitherto prevented, by unavoidable accidents, from making entries upon their certificates for settlement rights, with the surveyor of the county wherein the lands lie, and from obtaining and locating warrants for lands due to them upon pre-emption rights; *Be it therefore enacted*, That the further time of nine months, from and after the end of this present session of assembly, shall be allowed for making all entries upon certificates for settlement rights, and for locating warrants upon pre-emption rights, as specially described in the certificates by which such rights are held.

Preamble.

Further time allowed for entering certificates for settlement rights, and locating warrants upon pre-emption rights.

II. And whereas, on account of the like accidents, some plats and certificates of survey have not been returned to the register's office, within the time limited by law; and it is doubtful whether such plats and certificates of survey can now be received by the register of the land office; *Be it therefore enacted*, That the register of the land office, or his deputy, shall be obliged to receive such plats and certificates of survey; and the lands shall not be liable to forfeiture, on account of such failure, before the first day of June next. *Provided*, that nothing herein contained, shall be construed to effect any caveats now entered or

Also for returning surveys to the registers office.

which shall be entered, before the end of this present session of assembly.

All plats in Kentucky to be first lodged with the deputy register.

III. And whereas the good purposes for which a deputy register was appointed in the western country, will not be fully attained unless all plats and certificates of surveys, made in the district of Kentucky, are registered in his office; *Be it therefore enacted*, That from and after the first day of November next, the register of the land-office shall not receive any plat and certificate of survey, made in the district of Kentucky, before it has been registered and transmitted to him by his deputy in that country, agreeable to an act, intitled, "An act to empower the register of the land-office to appoint a deputy on the western waters;" and no patent shall issue until such survey has been registered six months in the principal land-office.

Affidavit, to prevent friendly caveats.

IV. And whereas a practice hath too often prevailed of entering friendly caveats upon lands actually liable to forfeiture, and of taking out summons's on such friendly caveats, without any design of executing the same, whereby such caveats are continued for a great length of time, and much lands covered from taxation; *Be it enacted*, That no caveat shall be entered after the first day of January next, unless the person, at the time of entering such caveat, shall file with the register or his deputy, an affidavit that such caveat is really and *bona fide* made with an intention of procuring the lands for the person in whose name such caveat is entered, and not in trust for the benefit of the person against whom such caveat is entered, and all caveats entered contrary to the directions of this act, shall be absolutely null and void. And wherever a summons upon a caveat shall either not be returned at all, or be returned not executed, the caveat upon which such summons shall have issued shall be dismissed with costs; unless the court, before whom such caveat shall be depending; shall be satisfied that the said summons not having been executed, did not proceed from the neglect of the party who entered such caveat.

Caveat dismissed, if summons not returned executed.

List of caveats ended, to be returned to register after general court.

V. *And be it further enacted*, That the clerk of the general court, within one month after the end of every session of the said court, shall return to the register of the land-office an attested list of all caveats that were dismissed or determined at the said preceding court,

which the register shall compare with the caveat book; and in all cases where he shall find that the caveats have been dismissed, or determined in favor of the defendant, he shall make out grants for such lands, as if no such caveats had been entered in his office. And the clerk of the supreme court of the district of Kentucky, shall, in like manner, return to the deputy register in that country, within one month after the end of every session of the said court, an attested list of all caveats that were dismissed or determined at the said preceding court, which the deputy register shall compare with his caveat book; and in all cases where he shall find that the caveats have been dismissed, or determined in favor of the defendant, he shall record and transmit the said list to the principal register, together with the plats and certificates of survey, that have been detained in his office by such caveats, that grants may issue thereupon, as if no such caveats had been entered.

CHAP. XL.

An act to enable the general court to settle and adjust costs.

[Chapter
CLXXIV in
original.]
[Chan. Rev.
p. 207.]

I. WHEREAS doubts have arisen whether the general court of this commonwealth can by law award costs except in particular cases; for removing such doubts in future, *Be it enacted*, That it shall be lawful for the general court, on giving judgment in any cause removed by appeal, writ of error, superseas, or *certiorari*, from the inferior courts either for the appellant, appellee, plaintiff, or defendant, and in any cause originating in the general court, where the verdict or judgment shall be given for the defendant, to award costs to the party or parties in whose favor such judgment shall be given; and on all motions it shall be lawful for the said court to give or refuse costs,

In what suits
general
court may a-
ward costs.

Costs discre-
tionary on
motions.

Where costs
governed by
existing laws

at their discretion; and in all other causes where the plaintiff shall recover debt or damages, the costs shall be governed by the laws now in force.

[Chapter
CLXXXV in
original.]

CHAP. XLI.

An act to give further time for the probation of deeds and other instruments of writing, and for other purposes.

Period ex-
cepted out
of the act of
limitations.

I. WHEREAS the period fixed for the computation of time, for limitation of actions, making entries into lands, or limitation of evidence, by the act passed in the year one thousand seven hundred and seventy-seven, intituled, "An act to amend an act intituled an act to restrain the operations of the acts for limitation of action, and recording deeds in certain cases," is not sufficiently extended to relieve all those who may justly claim relief:

Proof of
deeds, with-
in what time
valid.

II. *Be it therefore enacted by the general assembly,* That in all questions which may arise in any court of record upon any act for limitation of actions, making entries into lands, or limitation of evidence, in the computation of time, the period between the tenth day of April one thousand seven hundred and seventy-one, and the tenth of day April one thousand seven hundred and eighty-four, shall not be accounted any part thereof, so as to bar such action, entry, or evidence, but in all such computations the progression shall be from the said tenth day of April one thousand seven hundred and seventy-one, to the tenth day of April one thousand seven hundred and eighty-four, as one day. And whereas the suspension of the courts, and other unavoidable causes, may have prevented the probation of deeds and other instruments of writing being in due time made and admitted to record according to law: For remedy whereof,

III. *Be it enacted*, That where sufficient proof shall have been made of the execution of any deed or other instrument of writing since the said tenth day of April one thousand seven hundred and seventy-one, the same shall be held as good and valid as if it had been done within the time limited by law. And whereas great difficulties have arisen in proving deeds and other instruments of writing in the general court from witnesses living in remote parts, and others removing out of this state: For remedy whereof,

IV. *Be it enacted*, That the general court, at their sessions in the months of June and December annually, shall have the same power, and they are hereby directed and required to receive the probat of any deed or other instrument of writing in the same manner as they can or may do by law at their sessions in the months of April and October, and to cause the same to be recorded.

General court may receive probat of deeds, at any term.

V. *And be it further enacted*, That memorials of all bargains, sales, mortgages, and other conveyances, marriage settlements, and deeds of trust, and also lists of certificates for obtaining probat or administration, be hereafter transmitted by the clerks of the several county courts within the district of Kentucky to the clerk of the court of the said district, and by the clerks of the other county courts within this commonwealth to the clerk of the general court, in the manner and at the time the same are directed by law to be returned to the secretary's office; and the clerks of the district court of Kentucky and of the general court, shall register such memorials, and cause the said lists returned to them as aforesaid to be recorded as heretofore directed by law in books to be kept for those purposes; and that for recording the memorial of each bargain, sale, mortgage, or other conveyance, marriage settlement, or deed of trust, there be paid by the person to whom the same shall be made twenty pounds of tobacco, to be collected, levied, and accounted for, in the same manner as other clerks fees are directed by law to be collected, levied, and accounted for; and that so much of all other act or acts of assembly, as comes within the purview of this act, be, and is hereby repealed.

Memorials of deeds, certificates of administrations, &c. to be transmitted by clerks of county courts in Kentucky to district court, and by clerks of other county courts to general court, & recorded.

Fees,

[Chapter
CLXXXVI
in original.]

CHAP. XLII.

See vol 10,
pa. 341.

An act to continue and amend an act, intituled, An act for the relief of certain persons now resident on the western frontier.

I. WHEREAS the act of assembly passed in the year one thousand seven hundred and eighty one, intituled, "An act for the relief of certain persons now resident on the western frontier," will expire this session of assembly, and it is necessary that the same should be further continued and amended:

Act author-
ising courts
in the Ken-
tucky coun-
try to direct
surveys to
poor per-
sons, actual
settlers, fur-
ther conti-
nued.

Fees of of-
fice. & state
price of
land, when
to be paid.

Forfeitures,
on non-pay-
ment.

II. *Be it therefore enacted*, That the act, intituled "An act for the relief of persons now resident on the western frontier," shall continue and be in force from and after the expiration thereof for and during the term of six months, and from thence to the end of the next session of assembly.

III. *And be it further enacted*, That all persons claiming under the said recited act, besides the usual office fees, shall, within three months from the date of their respective surveys, pay into the public treasury, after the rate of thirteen shillings and four pence for every hundred acres of land which shall be granted to such claimants as the state price; and in default of making such payment, the lands so granted shall be forfeited, and recoverable in the manner that the said act directs.

CHAP. XLIII.

[Chapter
CLXXVII
in original.]

An act to repeal the act intituled, An act for paying the soldiers late from the southern army, belonging to the Virginia continental line, 3 months wages.

See ante
chap. 24.

I. WHEREAS the purposes of the act, intituled, "An act for paying the soldiers late from the southern army, belonging to the Virginia continental line, three months wages," are fully answered, congress having made provision for the same:

II. *Be it therefore enacted*, That the said recited act shall be, and the same is hereby repealed.

Act for advancing 3 months pay to soldiers of this state, on continental establishment from southern army repealed Congress having made provision,

GENERAL ASSEMBLY

Begun and held at the Public Buildings in the City of Richmond, on Monday the twentieth day of October, in the year of our Lord one thousand seven hundred and eighty-three, and in the eighth year of the commonwealth.

Benjamin
Harrison,
esq. govern-
or.

CHAP. I.*

An act to amend the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue.

[Chapter
CLXXXVIII
in original.]
Chan. Rev.
p. 307.
See October
1783, ch. 8.
May 1783,
ch. 38.

I. WHEREAS application hath been made to this present general assembly, that the produce of the country may be received in payment of the taxes imposed by an act, intituled, "An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act:" *Be it therefore enacted*, That one half of the tax directed under the aforesaid act, to be paid for the present year, and distrainable for on the twen-

Commodi-
ties, viz. to-
bacco, hemp
flour, and
deer-skins,
receivable
for half the
taxes.

* In the original the chapters are numbered progressively from the end of the last session, although the paging commences anew. But, as in the Chancellors' Revisal, the chapters commence with number 1, and the sections are differently arranged, in many instances, from the original, I shall conform to the Chancellors' Revisal, in this publication, for the convenience of reference.

Price and
various re-
gulations.

tieth day of November, on lands and lots, free male persons above the age of twenty one years, slaves, cattle, horses, mules, asses, and dogs, wheelbarrows, carriages, billiard tables, and ordinary licenses, may be paid at the option of the payer, either in specie, tobacco, hemp, flour, or deer-skins, to-wit: In inspectors receipts or notes for good merchantable crop tobacco, not less than nine hundred and fifty nett weight, which shall have been inspected or re-inspected since the first day of October, in the present year, at the rate of thirty shillings per hundred, or in transfer receipts or notes for tobacco at the rate of one hundred and six pounds for one hundred pounds of crop tobacco, at any public inspection within this commonwealth, or in inspectors receipts or notes for sound, clean, and merchantable hemp, delivered at the ware-houses provided or to be provided for the reception thereof, at the towns of Alexandria, Dumfries, Falmouth, Fredericksburg, Louisville, Smithfield, Winchester, Staunton, and Stone-house in Botetourt, Richmond, Manchester, Blandford, and West Point. *Provided*, That hemp and skins, as herein after described, shall be the only articles receivable at the towns of Staunton and Winchester, and at the Stone-house in Botetourt; which said notes or receipts for hemp, shall be received in discharge of taxes according to this act, at the rate of thirty shillings per hundred, except hemp delivered at Winchester, which shall be at twenty six shillings, at Staunton twenty four shillings, and at the Stone-house twenty two shillings per hundred; or in receipts for sound and merchantable flour, inspected since the first day of October in the present year, in casks, delivered at the ware-houses provided or to be provided by the inspectors and receivers of hemp, at the aforesaid towns, at the rate of fourteen shillings per hundred, with an allowance of two shillings and six pence for casks and inspection; or in receipts for skins of deer in the hair, well skinned, cleaned, and trimmed, restricted to the seasons of red, blue, and short grey, delivered at the houses to be provided for that purpose, at the said towns of Staunton, Winchester, Louisville, and at the Stone-house in the county of Botetourt, at the price of one shilling and eight pence for grey skins, and two shillings per pound for red and blue skins. And any person or persons chargeable with taxes by the said recited act, and pay-

Sheriffs to
give receipts
expressing
how taxes
paid.

ing the same in manner herein directed, shall be discharged thereof; and may demand and receive of the sheriff or collector a receipt, specifying in what articles such person paid his tax, whether it be specie or commutables, particularizing the ware-house from which the tobacco notes he may have received shall have issued. And every sheriff shall, moreover, return a list on oath of such payments, to the clerk of the court of his county, immediately after his collection, copies of which list shall be fixed up in the said court-house for the inspection of the people. And the auditors are hereby required not to settle finally with any sheriff, for the taxes collected under this and the said recited act, except the said sheriff do produce to them a copy of such list, certified by the clerk; and the auditors shall, upon settlement with the sheriff, give their order to the treasurer to receive such specie or commutables from the sheriff, agreeable to the said list; and every sheriff failing to pay the same accordingly, shall forfeit and pay the sum of five hundred pounds, to be recovered in like manner as is prescribed in the case of delinquent sheriffs. *Provided*, That any person having before the publication of the said act, paid to any sheriff or collector, in gold or silver coin, more than one moiety of his taxes, shall, on tendering to the same sheriff or collector any article hereby declared to be commutable therefor, be entitled to a restitution of all such surplus.

II. And that the several sheriffs and collectors of taxes may be prevented from injuring the public revenue, by speculating in the payments made them of the taxes aforesaid; *Be it enacted*, That every person chargeable with such taxes, who may pay any part thereof in tobacco agreeable to this act, shall only be permitted to discharge the same in inspectors receipts or notes, issued from those ware-houses where the person chargeable therewith may by law pay parish and county levies and officers fees, agreeable to an act, intitled, "An act to amend and reduce the several acts of assembly for the inspection of tobacco into one act;" and the several sheriffs and collectors shall account for the same on oath, and shall make payment thereof at the treasury, but shall not be suffered to make payment at any other ware-houses whatsoever. *Provided nevertheless*, That nothing in this act contained shall entitle

And return a list to clerk's office who shall set up a copy in court-house.

To pay commutables to treasurer.

Penalty.

Former payments in coin regulated.

Tobacco payments restricted to certain ware-houses;

And hence to certain places.

any person whatsoever to pay the commutable of hemp in discharge of taxes, except the property for which such taxes are due shall lie and be on the western side of the mountain commonly called the Blue Ridge, or the person rendering the same shall make oath that it is the growth of the estate for the taxes on which it is offered in payment. *And provided also*, That the receipts from the ware-houses hereafter mentioned, shall pass in the payment of taxes in the counties following, that is to say: In the counties of Frederick, Hampshire, Berkely, Shenandoah, Rockingham, Ohio, and Monongalia, at any of the ware-houses in Fairfax, Prince William, Stafford, or Spotsylvania; in the counties of Augusta, Botetourt, Rockbridge, Greenbrier, Washington, and Montgomery, at any of the ware-houses in the counties of Henrico or Chesterfield.

Inspectors of
flour to re-
turn ac-
counts.

Penalty.

Treasurer to
sell commu-
tables.

Courts to
provide hou-
ses to store
hemp, flour,
and deer-
skins.

III. And that the flour so paid in discharge of the taxes may be converted to the purposes by this act intended, before the same shall be injured or lost; *Be it enacted*, That the inspectors or receivers of flour, shall on or before the fifteenth day of March next, make out and transmit to the treasurer a fair and accurate list of the quantity of flour by him or them received, and for whom; and on failure so to do, he or they shall forfeit and pay the sum of fifty pounds, to be recovered by motion in the general court, or the court of the county where such inspections may be, with costs, to the use of the commonwealth, and thereupon execution shall issue, provided the party has ten days previous notice of such motion. And the treasurer for the time being, shall sell the said tobacco, hemp, skins, and flour, from time to time, as occasion may require, for current gold or silver coin, or otherwise dispose of the said tobacco, hemp, skins, and flour, in payment of the debts and contracts of this commonwealth, on the best terms that can be obtained, in like manner as if the same had been current gold and silver coin actually paid into the treasury, having due regard to the appropriations which are or shall be made of the revenue of the commonwealth. And the courts of the counties respectively in which the aforesaid towns of Alexandria, Dumfries, Falmouth, Fredericksburg, Harrodsburg, Richmond, Manchester, Blandford, Staunton, Smithfield, Winchester, and West-Point, and the said stone-house, are, shall be, and are hereby authorized

and required, to provide good and sufficient ware-houses for the storage of hemp, flour, or deer-skins, as the same are respectively made receivable at the said towns, and stone-house in the county of Botetourt, in the manner herein before directed, and to appoint one or two reputable persons, as the case may require, within the said towns respectively, and at the stone-house in the county of Botetourt, for the receiving, safe-keeping, and delivery of the said hemp, flour, or deer-skins, on public account, and for inspecting the said hemp, who, in the receipts given by them, or either of them, shall specify the names of the persons or owners delivering the same, the number and quantity of each bundle of hemp, and the ware-house, number, and nett weight of each barrel of inspected flour received, for which the inspectors manifest shall be produced, and filed at the said ware-house, as a voucher to prove the inspection thereof, before the delivery by the owner; and the said courts respectively are hereby authorized to allow to the inspectors or receivers aforesaid, for their risk and trouble, five per cent. in money, valuing the articles by them received at the price they are estimated at in this act, which they shall certify to the auditors of public accounts; and all other expences attending the said ware-houses for the receiving and delivering of the hemp and flour aforesaid, shall be allowed and certified in like manner, and shall be paid out of the money in the public treasury arising from the sale thereof; and the said receivers or inspectors of hemp and flour, or deer-skins, shall, before entering upon the duties of their office, give bond in a reasonable penalty, payable to the treasurer for the time being, or to his successors, for the use of the commonwealth, conditioned for the true and faithful performance of the duties required of them by law in the execution of their said office; and in case of failure in any court to appoint an inspector or receiver respectively as aforesaid, such court shall be liable to the same penalties as is provided in the case of the justices neglecting or refusing to take and return lists of the enumerated articles, to be recovered and applied in like manner; and such inspector or receiver shall be liable to damages upon the action of the party grieved, and shall moreover forfeit and pay the sum of one hundred pounds, recoverable on information in any court, for the use of the commonwealth.

And appoint one or two receivers at each place.

Their duty

And allowance.

To give bond

Penalty on courts failing

And on receivers.

How commutables to be weighed.

IV. *And be it further enacted*, That hemp, flour, and all other articles directed to be paid by this act, shall be weighed by the nett weight or short hundred, and that the several certificates for hemp and flour shall be separate, so that the several commutable articles may appear in a clear and distinct view.

Treasurer may receive partial payments.

V. *And be it further enacted*, That the treasurer shall and may receive from any sheriff or collector, who shall obtain the certificate of the auditors of any partial settlement made with them, such sums of money, or quantities of tobacco, hemp, flour, or deer skins, or sums in warrants and certificates receivable by law, as such sheriff or collector shall tender him in payment for the same, and grant his receipts accordingly.

Hemp may be reviewed by the purchaser.

VI. And whereas very great loss has been heretofore sustained by the article of hemp, owing to the carelessness of the inspectors or receivers thereof, or other causes: That the like may in future be prevented, *Be it enacted*, That the purchaser or person receiving the notes for hemp, from the public, may at his own proper cost and charges upon delivery thereof, giving notice to the inspector or receiver, open and review the hemp so to him delivered, and if the same shall appear unmerchantable or damaged, it shall and may be lawful for any two justices of the peace for the

Proceeding thereon.

county in which such hemp shall have been stored, upon application of the person demanding the same, to issue their warrant, directed to seven men well skilled in the quality of hemp, who, or any five of them, having first taken an oath to do impartial justice between the person demanding the hemp, and the public inspector or receiver, shall examine the quality and condition thereof, and if it shall be found by them that the same is not sound, clean, and merchantable, they shall make report thereof, and such hemp shall, by order of two justices (upon such report to them presented) be directed to be sold at public vendue, for ready money, upon such notice as to them shall seem reasonable; and if the said hemp shall not sell for the current price of good merchantable hemp (which price shall be affirmed by any two justices before the sale) the difference between the prices shall be paid by such inspector or public receiver to the person demanding the said hemp, and upon refusal to make payment, it shall be lawful

What satisfaction shall be made by receiver.

for the court of the county in which such hemp shall have been stored, and they are hereby required, upon motion to them, reasonable notice having been given, to give judgment and award execution for the amount thereof, together with costs, and the charges necessarily expended by the person demanding the said hemp; and the sheriff shall levy and account for the same as by law in other cases of execution is directed.

VII. And whereas the time fixed by the act of the last session, for payment into the public treasury by the sheriffs, will not in many of the counties give the sheriffs opportunity to make the collections compleat, and it is not necessary that the judges of the general court should hold an additional sessions for rendering judgments against delinquent sheriffs: *Be it enacted*, That so much of the said act as compels the respective sheriffs to account for, and pay into the public treasury, the amount of their several collections, on or before the twentieth day of January next, and the judges of the general court to hold an additional sessions on the second Monday in February, shall be, and the same is hereby repealed.

Repeal as to time sheriffs to account, and for additional sessions of general court.

VIII. *And be it further enacted*, That the respective sheriffs shall account for and pay the amount of their several collections into the public treasury, on or before the first day of March next; and in case any sheriff or collector shall fail to account for, as by law is directed, and pay into the public treasury by the said first day of March, the money, or other articles in lieu thereof, by him received for taxes, every such delinquent sheriff or collector shall be liable to a judgment against him, on motion, with damages and interest, as by the former act directed, at the general court in April next, or any succeeding court; provided the party shall have had legal notice of the same.

Sheriffs to account and pay the first of March next.

IX. *And be it further enacted*, That none of the articles made commutable by this act, shall be received by the sheriffs or collectors from the persons chargeable with taxes, after the first day of March next. And that it shall be at the option of the treasurer to receive the same or any part thereof (flour excepted, which he is hereby directed not to receive) from the sheriffs or collectors after the first day of April next.

Commutes, bles not receivable after that day.

Treasurer may receive them or not after 1st of April.

How notice
may be giv-
en to she-
riffs and
proved.

X. And to explain what shall be legal notice, *Be it enacted*, That in all cases of delinquency by the sheriffs or collectors of the public revenue, when a motion is intended to be made against them, affidavit before any justice of the peace within this commonwealth, that notice of such intended motion shall have been made, either by delivery thereof to the party, or in case he shall not be found at his usual place of abode, by leaving the same thereat for him, ten days before such motion is made, shall be held, deemed, and taken as sufficient and legal notice.

Distress for
taxes sus-
pended.

XI. *And be it further enacted*, That the distress for the money and commutables, hereby made receivable in payment of taxes, shall be suspended until the first day of January next, any law to the contrary notwithstanding. And that after the said first day of January, distress may be made by the respective sheriffs and collectors within this commonwealth, in the manner directed by the act, intituled, "An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act."

CHAP. II.

[Chapter
CLXXXIX
in original.]
Chan Rev.
pa. 209.
See October
1782, ch. 9,
May 1783,
ch. 32.

An act to amend the several acts of assembly concerning the appointment of sheriffs.

Courts may
yet nomi-
nate sheriffs,
where they
have failed.

I. WHEREAS by two acts of assembly, one intituled "An act concerning the appointment of sheriffs," and the other "An act to amend an act intituled an act concerning the appointment of sheriffs," the county courts are directed to proceed to the nomination of sheriffs within certain limited periods. And whereas several county courts have not made such nomination according to the said recited acts: For remedy whereof, *Be it enacted*, That in all cases wherein the county courts have failed to make such nomination within the periods prescribed by the said recited acts, the said

county courts shall and may, and they are hereby empowered, to proceed to a nomination of two persons proper to fill the office of sheriff within their county, at any session of their court subsequent to the periods mentioned in the said recited acts; and one of the persons so to be nominated shall be commissioned by the governor, in the same manner as if the nomination had been made according to the directions of the said recited acts.

II. *And be it further enacted*, That where the court of any county hath already recommended persons as proper to fill the office of sheriff, not within the periods prescribed by the said recited act, the governor is hereby empowered to commission one of the persons so recommended to act as sheriff for the said county.

Irregular nominations to be regarded.

III. And whereas it sometimes happens that sheriffs neglect or fail to give security for the collection of the taxes, yet are willing to enjoy the other emoluments and profits of the office attended with less risk: *Be it therefore enacted*, That where any sheriff now in commission, hath failed to give security for the collection of the taxes, or where any sheriff hereafter commissioned, shall fail to give such security at the next court to be held for his county, the clerk of every county court respectively, where any such failure shall happen, shall certify the same to the governor, who is hereby authorized and required to issue a commission for the next person nominated by the court, which to all intents and purposes shall supersede and annul the former commission. And if the second person so commissioned, shall also neglect or refuse to give security as aforesaid for the collection of the taxes, the governor with advice of council, is hereby authorized to commission any other justice of the peace for the said county, who shall be nominated by the court thereof.

If sheriffs fail to give security for taxes, a new sheriff to be appointed.

IV. *And be it further enacted*, That the court of every county shall hereafter, in the month of June or July annually, nominate two persons named in the commission of the peace for their county, one of whom shall be commissioned by the governor, to execute the office of sheriff, any law to the contrary notwithstanding.

When courts are to recommend.

Deputy sheriffs ineligible to assembly for two years after their quietus.

V. *And be it further enacted*, That no deputy sheriff shall be eligible to either house of assembly, until he has been two years out of office, and has made up his collections of the public taxes, and paid into the treasury all arrearages, and has obtained a quietus for the same.

[Chapter
CXG in original]

CHAP. III.

An act directing the emancipation of certain slaves who have served as soldiers in this state, and for the emancipation of the slave Aberdeen.

Chan. Rev.
p. 210.

Signed by Speaker of
H. C. Dd. 5. DEC.

Preamble
reciting that many slaves, during the war, were enlisted into the army, as substitutes, being tendered as free men.

I. WHEREAS it hath been represented to the present general assembly, that during the course of the war, many persons in this state had caused their slaves to enlist in certain regiments or corps raised within the same, having tendered such slaves to the officers appointed to recruit forces within the state, as substitutes for free persons, whose lot or duty it was to serve in such regiments or corps, at the same time representing to such recruiting officers that the slaves so enlisted by their direction and concurrence were freemen; and it appearing further to this assembly, that on the expiration of the term of enlistment of such slaves that the former owners have attempted again to force them to return to a state of servitude, contrary to the principles of justice, and to their own solemn promise.

All slaves so enlisted, by appointment of their masters, and serving their term, emancipated.

II. And whereas it appears just and reasonable that all persons enlisted as aforesaid, who have faithfully served agreeable to the terms of their enlistment, and have thereby of course contributed towards the establishment of American liberty and independence, should enjoy the blessings of freedom as a reward for their toils and labours; *Be it therefore enacted*, That each and every slave, who by the appointment and direction of his owner, hath enlisted in any regiment or corps raised within this state, either on continental or state establishment, and hath been received as a sub-

stitute for any free person whose duty or lot it was to serve in such regiment or corps, and hath served faithfully during the term of such enlistment, or hath been discharged from such service by some officer duly authorized to grant such discharge, shall from and after the passing of this act, be fully and compleatly emancipated, and shall be held and deemed free in as full and ample a manner as if each and every of them were specially named in this act; and the attorney-general for the commonwealth, is hereby required to commence an action, in *forma pauperis*, in behalf of any of the persons above described who shall after the passing of this act be detained in servitude by any person whatsoever; and if upon such prosecution it shall appear that the pauper is entitled to his freedom in consequence of this act, a jury shall be empannelled to assess the damages for his detention.

And may sue in *forma pauperis* and recover damages, if detained in slavery.

III. And whereas it has been represented to this general assembly, that Aberdeen, a negro man slave, hath laboured a number of years in the public service at the lead mines, and for his meritorious services is entitled to freedom; *Be it therefore enacted*, That the said slave Aberdeen shall be, and he is hereby emancipated and declared free in as full and ample manner as if he had been born free,

Aberdeen, for his long and meritorious services, at the lead mines, declared free.

CHAP. IV.

An act for surveying the lands given by law to the officers and soldiers on continental and state establishments, and for other purposes.

[Chapter CXC.I in original.]

[Chan. Rev. p. 210.]

I. FOR the better locating and surveying the lands given by law to the officers and soldiers on continental and state establishments; *Be it enacted by the general assembly*, That it shall and may be lawful for the deputations of officers, consisting of major general Peter Muglenburg, major-general Charles Scott, major-

Deputation of officers to choose superintendants and surveyors, for locating and surveying

lands, given to officers and soldiers, on continental and state establishments.

general George Weedon, brigadier-general Daniel Morgan, brigadier-general James Wood, colonel William Heth, lieutenant-colonels Towles, Hopkins, Clarke, and Temple, captain Nathaniel Burwell, and captain Mayo Carrington, of the continental line, or any five of them; and brigadier-general Clark, colonels Brent, Muter, and Dabney, major Meriwether, captains Roane, Rogers, and Boswell, of the state line, or any three of them, to appoint superintendants on behalf of the respective lines, or jointly, for the purpose of regulating the surveying of the lands appropriated by law as bounties for the said officers and soldiers; and that the said deputations of officers shall have power to nominate and appoint two principal surveyors, to be commissioned as other surveyors within this commonwealth, and contract with them for their fees, who shall appoint their deputies, to be approved by the superintendants; and in case of their death, or inability to act, the superintendants shall have power to appoint from time to time, a successor or successors, as the case may require. *Provided*, That one sixth part of the

One sixth of surveyors fees reserved to Wm. & Mary college.

Warrants for bounty lands to be delivered by March 15.

Limitation as to number of surveys.

fees received by such surveyor or deputies, shall be accounted for to the use of the college of William and Mary, in the same manner as other surveyors are directed to account for their fees, upon surveys made by them within this commonwealth. That the holder or holders of land warrants for military bounties, given by law as aforesaid, shall, on or before the fifteenth day of march next, deliver the same to the principal surveyors, at such place or places as they shall, with the advice of the deputations, direct, endorsing on the back of each warrant the number of surveys the same shall be laid off in, specifying the quantity of each survey. *Provided*, that a general officer shall not be allowed more than six, a field-officer five, and a captain and subaltern four surveys, in their respective apportionments of land, and the staff in proportion. The non-commissioned officers and soldiers warrants shall be put into classes, as near as circumstances will admit, of one thousand acres each, numbered previous to the drawing, and the number of the lot drawn shall be endorsed on every such class; and the persons interested in each class, shall determine their

choice by lot, in the same manner as shall be done by classes, and the same to be divided accordingly by the surveyors.

Warrants to be classed and drawn for by lot.

II. *And be it further enacted*, That the priority of location shall be determined by lot, as soon as may be, after the said fifteenth day of March next, under the direction and management of the principal surveyors and the superintendants, or any three of them, according to such regulations as shall be fixed on by the present deputation, from the officers on the continental and state establishments respectively. That all warrants delivered to the principal surveyors before the sixteenth of March next, shall be first surveyed, and those delivered upon that, or any subsequent day, shall be surveyed in the same order of priority, as they may be respectively delivered to the principal surveyors. And if the proprietor of any warrant shall, either by himself or agent, decline or refuse to locate and survey agreeable to the number of lot or lots drawn thereto, such proprietor shall be postponed to those who do not refuse to locate and survey according to rotation.

Priority of location determined by lot.

III. *And be it further enacted*, That every officer and soldier, or their legal representatives; may attend in person, or by another authorized for the purpose, to the locating and surveying their respective portions of land; and the portions of such officers and soldiers not being transferred, who may not be represented, shall be located and surveyed under the direction of the superintendants, agreeable to their number or rotation; but the superintendants shall not be compelled to attend to the locating and surveying of lands claimed by purchase, unless such claimant attend in person, or by an agent duly authorized for that purpose. And that every person or persons holding officers or soldiers warrants by assignment, shall pay down to the principal surveyors at the time of delivering such warrant or warrants, one dollar for every hundred acres thereof; exclusive of the legal surveyors fees, towards raising a fund for the purpose of supporting all contingent expenses, or at the option of such holder or holders, the same may be held up until the warrants of all the original grantees have been surveyed; the said surveyors to account for all the money so received, to such person or persons as the said deputations may direct.

Locations and surveys to be made under the direction of the superintendants.

Assignees of warrants to pay one dollar, a hundred, besides legal fees.

All the good lands on Cumberland and Tennessee rivers, to be first surveyed then on north west of Ohio, between Scioto and Little Miami.

Governor if necessary may furnish military aid. Limitation thereof.

4000 Acres of prime tract, on the Mississippi, may be laid off for a town.

IV. *And be it further enacted*, That the surveyors under the direction of the superintendents, and the claimants having a right to survey from the priority of their numbers shall proceed in the first place to survey all the good lands, to be adjudged of by the superintendents, in that tract of country lying on the Cumberland and Tennessee rivers, as set apart by law for the said officers and soldiers. and then proceed in like manner to survey on the north-west side of the river Ohio, between the rivers Scioto and the Little Miami, until the deficiency of all military bounties in lands shall be fully and amply made up. *Provided always*, That in such surveys, the same proportions be observed in length and breadth as are directed by law in other surveys within this commonwealth, and shall be closed and marked on all sides. And whatever lands may happen to be left within the tract of country reserved for the army on this side the Ohio and Mississippi, shall be saved, subject to the order and particular disposition of the legislature of this state. And that the governor, with advice of council, be, and he is hereby empowered and required to furnish the superintendents with such military aid, at each time, and in such manner, as he may judge necessary for the purpose of carrying this act into execution. *Provided*, that the aid to be ordered shall be from the Kentucky country, and not exceed one hundred men,

V. And whereas the deputations of officers aforesaid, have represented to this assembly that a certain tract of country, lying on the Mississippi and the waters thereof, is from its situation and other advantages, of too much importance to be subject to fall to the lot of any individual, and it now being the request of the said lines, through their respective deputations as aforesaid, that four thousand acres of land should be laid off on the Mississippi and the waters thereof, within the said tracts of country for a town and other public purposes, for the common benefit and interest of the whole: *Be it therefore enacted*. That the said deputations jointly, be, and they are hereby empowered, to cause four thousand acres of land to be laid off in such manner and form as they may judge most beneficial for a town, without being confined to any certain length or breadth, as in other surveys, and vested in trustees, at

such place on the said river Mississippi and the waters thereof, as the said trustees may agree upon, and in such manner as the said deputations may direct for the purposes aforesaid, saving to all persons whatsoever, other than the said officers and soldiers, all right and title to the said four thousand acres of land as fully as if this act had never been made.

CHAP. V.

An act to authorize the congress of the United States to adopt certain regulations respecting the British trade.

[Chap.
CXCV in
original.]

Chan. Rev.
p. 211.

1. WHEREAS it appears by an order of the king of Great Britain in council, bearing date the second day of July last, made under the express authority of his parliament, that the growth or produce of any of the United States of America, are prohibited from being carried in any of the British West India Islands, by any other than British subjects, in British ships, owned by British subjects, and navigated according to the laws of that kingdom.

And whereas this proceeding, though but a temporary expedient, exhibits a disposition in Great Britain to gain partial advantages, injurious to the rights of free commerce, and is repugnant to the principles of reciprocal interest and convenience, which are found to form the only permanent foundation of friendly intercourse between states: Be it therefore enacted, That the United States in congress assembled, shall be, and they are hereby authorized and empowered to prohibit the importation of the growth or produce of the British West India islands, into these United States, in British vessels, or to adopt any other mode which may most effectually tend to counteract the designs of Great Britain, with respect to the American

Vol. 55.

P. 81.

Preamble, reciting an order of the British king in council, prohibiting the produce of the United States, carried to the West Indies, except in British bottoms, owned and navigated by British subjects. Congress empowered to prohibit importations from the West Indies, in British vessels, &c.

The resolution passed the House *unanimously*, 4. Dec. 1783. Russell C. 40.
Act passed House 9. Dec. Jour. 55.

House request Governor to transmit Act to other states
+ to Congress. Jour. 81.

LAWS OF VIRGINIA,

commerce, so long as the said restriction shall be continued on the part of Great Britain. *Provided*, That this act shall not be in force until all the states in the union shall have passed similar laws.

CHAP. VI.

(Chapter
CXCVIII in
original.)

An act concerning fairs in the town of Fredericksburg, and the court of hustings thereof and for other purposes.

Fairs in
Fredericks-
burg revived

I. *BE it enacted by the General Assembly, That the act, intituled, "An act for reviving and amending the acts for allowing fairs to be kept in the towns of Fredericksburg and Richmond," so far as the same relates to the said town of Fredericksburg, shall be, and the same is hereby revived; and that from and after the last day of February next, the fairs shall be held in the said town of Fredericksburg on the first Tuesday in June and October annually, any thing in the said recited act to the contrary notwithstanding.*

Continuance
of act.

II. *And be it further enacted, That the said recited act, except so much thereof as is contrary to this act, shall be, and the same is hereby continued for the term of seven years.*

Court day
altered.

III. *And be it enacted, That from and after the said last day of February, courts of hustings in the said town of Fredericksburg shall be held on the first Monday in every month; and the said court, and the court of hustings in the town of Alexandria, shall have cognizance of all actions accruing within the respective jurisdictions thereof, not exceeding twenty pounds, or two thousand pounds of crop tobacco; any law to the contrary thereof notwithstanding.*

Jurisdiction
of hustings
courts of
Fredericks-
burg and
Alexandria.

Charter of
Richmond
explained.

IV. *And whereas so much of the act, intituled, "An act for giving certain powers to the corporation of the city of Richmond, and for other purposes," as empowers the mayor, recorder, and aldermen, of the said ci-*

ty, to elect by ballot two of the common councilmen of the said city to the office of aldermen; and that in all triennial elections, as directed by the act for incorporating the town of Richmond, there shall be elected six aldermen, requires explanation and amendment;

V. *Be it therefore enacted*, That the house-keepers and inhabitants of the said city, qualified by law to vote for common councilmen, shall meet at the court-house in the said city, on the first day of January next, and then and there elect by ballot four persons, being freeholders and inhabitants of the said city, as common councilmen, in addition to the present common council; and that the mayor, recorder, and aldermen, shall meet on the next Monday thereafter, and then elect by ballot two of the common councilmen to the office of aldermen, who, upon taking the oath directed by the said act, shall have the same power and authority as the other aldermen of the said city.

Additional common council men to be elected, additional aldermen how chosen.

VI. *And be it further enacted*, That at the triennial elections of the said city, there shall be elected in manner directed by the said act, a mayor, recorder, six aldermen, and eight common councilmen; any law to the contrary notwithstanding.

Mayor, recorder, 6 aldermen, & 8 common council men, to be elected at triennial elections.

CHAP. VII.

An act for altering the court days of the counties of Pittsylvania, Botetourt, Montgomery, and Spotsylvania.

[Chapter CXCV in original.]

I. WHEREAS the days established by law for holding courts in the counties of Pittsylvania, Botetourt, Montgomery, and Spotsylvania, are found inconvenient: For remedy whereof,

Court days of Pittsylvania, Botetourt, Montgomery, and Spotsylvania altered.

II. *Be it enacted*, That from and after the first day of March next, the court for the county of Pittsylvania shall be constantly held on the third Monday in every month; the court for the county of Botetourt on the se-

could Tuesday in every month; the court for the county of Montgomery on the fourth Tuesday in every month; and the court for the county of Spotsylvania on the first Tuesday in every month; any law to the contrary notwithstanding.

CHAP. VIII.

[Chapter
CXCV in o-
riginal.]

An act for admitting certain persons to the rights of citizenship.

Presley Thornton, Philip Turpin and John Wormeley admitted citizens, on taking the oath of allegiance. But John Wormeley ineligible to any office of trust or profit, for four years.

I. *BE it enacted by the General Assembly, That* Presley Thornton, Philip Turpin, and John Wormeley, shall, upon taking the oaths of allegiance to this state, respectively be admitted to, and have and enjoy all the rights, privileges and immunities, which the citizens of this state hold and enjoy. *Provided nevertheless,* That the said John Wormeley shall not be eligible to any office of trust or profit, within this commonwealth, for and during the term of four years.

[Chapter
CXCVI in
original.]

CHAP. IX.

An act to revive an act entitled An act concerning pensioners.

Act concerning pensioners revived and continued.

I. *WHEREAS* the act of assembly passed in the year one thousand seven hundred and eighty two, intitled, "An act concerning pensioners," expired in the month of May last, and it is expedient and necessary that the same should be revived;

II. *Be it therefore enacted,* That the act, intitled, "An act concerning pensioners," be revived, and shall continue and be in force from and after the passing of this act until the end of the next session of assembly.

CHAP. X.

[Chapter
CXC VII in
original.]

An act for further continuing an act intituled An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth.

I. WHEREAS the act of assembly passed in the year of our Lord one thousand seven hundred and eighty two, intituled, "An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth," which was continued by a subsequent act, will expire on the first day of December next, and it is expedient that the same should be further continued,

Act for as-
certaining los-
ses, by de-
predations
of enemy,
during the
war further
continued.

II. Be it therefore enacted by the General Assembly, That the act, intituled, "An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth," shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.

CHAP. XI.

[Chapter
CXC VIII in
original.]

An act to authorize the sheriff of Monongalia to hold elections of a senator and delegates for the said county at two different places within the same.

I. WHEREAS from the great extent of the county of Monongalia, it is difficult and inconvenient for the freeholders to attend the election of representatives:

Separate e-
lections in
the county
of Mononga-
lia authoris-
ed.

II. Be it therefore enacted, That it shall be lawful and the sheriff of the said county of Monongalia is

hereby empowered and required, to hold an election of a senator for the district of West Augusta, and of delegates for the said county, at the following places, and in manner herein after directed, that is to say, on the court-day for the said county in the month of April annually, a poll shall be taken at the court-house thereof, and on the Monday following another poll shall be taken at the house of George Jackson, at the place called Boush's Fort, on Buchanan river, in the said county; the time and place whereof shall annually be advertised by the sheriff, at the most public places therein, at least one month before every such election, and after adding up the number of voters upon each poll, to proclaim and return the person having the greatest number of votes as a senator, and the two persons having the greatest number of votes as delegates, in the same manner as is directed by law for the election of senators and delegates in other districts and counties.

CHAP. XII.

[Chapter
CXCIX. in
original.]

[Chan. Rev.
p. 212.]

An act making certain receipts and warrants payable in taxes.

Preamble.

I. WHEREAS by an act of assembly passed in October, one thousand seven hundred and eighty-two, intituled, "An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act," tobacco, hemp, flour, and deer-skins, were, under certain restrictions and limitations, made commutable with specie in the payment of the taxes imposed by the said act. And whereas by one other act passed in May, one thousand seven hundred and eighty-three, intituled, "An act to amend the act, intituled, An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act," so much of the first recited act as makes tobacco, hemp, flour, and

deer-skins, receivable in the payment of taxes imposed by the said act was repealed. And whereas it is represented to this present general assembly, that many citizens of this commonwealth, in conformity to the first recited act, delivered to the receivers of hemp and flour, before the passing of the last recited act, the whole or a part of their taxes, in the said specifics, and obtained receipts for the same, which it is doubted cannot legally be received or paid in discharge of the taxes now due, notwithstanding the greater part of such hemp and flour has been applied to the use of the public: For removing such doubts,

II. *Be it enacted*, That all receipts which have not been returned to the officer granting the same, or transferred for hemp and flour delivered pursuant to the directions of the said first recited act, shall be received by the sheriffs or collectors in discharge of one half of the taxes of the persons delivering such hemp or flour, at the rate or price affixed thereto by the said act; and such receipts shall be allowed the sheriffs and collectors in the settlement of their accounts for the collection of the public taxes; any law to the contrary, or seeming to the contrary, notwithstanding.

Receipts for
hemp or
flour delivered
according to act
Oct. 1782, ch.
3. for taxes
to be now
received.

III. *And be it further enacted*, That the auditors of public accounts shall be, and they are hereby empowered and authorized, to issue warrants to each sheriff, witness, and venire-man, that shall hereafter attend the general court on any criminal prosecution, in which their allowance is to be paid by the commonwealth, and such warrants, when issued, shall be receivable in taxes now due, or that hereafter may become due.

Auditors to
issue war-
rants to sh-
eriffs, veni-
re-men & wit-
nesses, such
warrants, re-
ceivable in
taxes.

[Chapter
CC in origi-
al.]
[Chan. Rev.
p. 212.]

CHAP. XIII.

An act to amend an act, for establishing pilots and regulating their fees.

See May
1783, ch. I.

Preamble.

Rates of
pilotage
increased
for large
vessels.

Four pilots
may be in
partnership.

I. WHEREAS it is represented to this present general assembly, that the prices allowed for pilotage of vessels, by the act, intituled, "An act, for establishing pilots and regulating their fees," are inadequate to their services, *Be it therefore enacted*, That every pilot may demand and take for each vessel, drawing upwards of ten feet water, one fifth more in addition to the sums respectively allowed by the foot in the said recited act. That instead of two pilots only being in partnership, as by the said act is directed it shall and may be lawful for any number of pilots, not exceeding four, to be in partnership.

CHAP. XIV.

[Chapter
CCI in origi-
nal.]

An act to empower the county court of Stafford to levy the Tobacco due to Henry Tyler, deceased, late clerk of the said court.

Court of
Stafford
county au-
thorized to
levy, upon
the parishes
of St. Paul,
and Over-
wharton, to-
bacco due to
Henry Tyler
late clerk.

I. WHEREAS it is represented to this present assembly, that five thousand six hundred and ninety six pounds of tobacco was due to Henry Tyler deceased, from the county of Stafford, for public services by him in his life-time performed as clerk of the court of the said county, whilst the same was composed of the entire parishes of St. Paul and Overwharton, and that before the same could be levied by the said court, an act of the general assembly passed for altering and establishing the boundaries of the counties of Stafford and King George, by which the said parish of St. Paul, and part of the said parish of Overwharton, was

added to the said county of King George, so that the said tobacco cannot be levied without the interposition and direction of the legislature:

II. *Be it therefore enacted*, That it shall be lawful for the court of the said county of Stafford, and they are hereby required at the laying their next county levy, to levy the said tobacco on the tithables of the said parishes of St. Paul and Overwharton, in the same manner as they could or might have done before the passing of the said recited act. The sheriff or collector of the said county of Stafford shall collect and account for the said tobacco in like manner as is prescribed in the case of county and parish levies.

CHAP. XV.

[Chap. CCII
in original.]

An act for repealing in part the act for establishing the town of Louisville.

I. WHEREAS John Campbell and John Connolly being seized as tenants in common, of and in four thousand acres of land, lying at the falls of the Ohio river, did, on the sixth of February, one thousand seven hundred and seventy six, execute each to the other a deed of partition of the said land, whereby the said John Connolly was to take one thousand acres at the upper end, and one other thousand acres at the lower end of the said tract, as his purpart. And whereas the said John Connolly being considerably indebted to the said John Campbell and Joseph Simon, and as a security for the payment thereof, did by deed bearing date the seventh day of February, one thousand seven hundred and seventy-six, mortgage to them the said two thousand acres of land. And whereas in May session, one thousand seven hundred and eighty, an act passed for laying off one thousand acres of land, then supposed to be the forfeited property of the said John Connolly,

Preamble,

into lots and streets, and which was established a town by the name of Louisville. And whereas it is represented to this present general assembly, by the said John Campbell, that partition lines have not been run for ascertaining the bounds between his and the said Connolly's land; and that the sum for which the said Connolly mortgaged his moiety of the said land, together with interest thereon, is still due to the said John Campbell and Joseph Simon, and it being unjust to take from them that security of the land so mortgaged by the said Connolly for the payment of his debt and interest.

So much of an act for establishing town of Louisville, in Kentucky, as affects the lands of John Campbell, & Joseph Simon, repealed.

Surveyor of Jefferson county to run partition lines between John Campbell & John Connolly.

II. *Be it therefore enacted*, That the act of assembly for establishing the town of Louisville at the falls of Ohio, so far as it affects the property of the said John Campbell and Joseph Simon, shall be, and the same is hereby repealed; and that no act, matter, or thing, had or done in virtue of the said act, shall be construed, deemed, or taken to affect or prejudice the title of the said John Campbell and Joseph Simon to the land aforesaid,

III. *And be it further enacted*, That the surveyor of the county of Jefferson shall run the partition lines between the said John Campbell and John Connolly, according to the division lines described in the said deed of partition.

CHAP. XVI.

An act for the admission of emigrants and declaring their right to citizenship.

I. WHEREAS it is the policy of all infant states to encourage population, among other means, by an easy mode for the admission of foreigners to the rights of citizenship; yet wisdom and safety suggest the propriety of guarding against the introduction of secret enemies, and of keeping the offices of government in the hands of citizens intimately acquainted with the spi-

H. C. C. [Ch. CCH] 11-26 [in original.]

for the [Chan. Rev. pa. 213]

See vol. 10, pa. 129.

21-11-31 Preamble.

rit of the constitution and the genius of the people, as well as permanently attached to the common interest: *Be it therefore enacted by the General Assembly, That* all free persons, born within the territory of this commonwealth; all persons not being natives, who have obtained a right to citizenship under the act intituled "An act declaring who shall be deemed citizens of this commonwealth;" and also all children wheresoever born, whose fathers or mothers are or were citizens at the time of the birth of such children, shall be deemed citizens of this commonwealth, until they relinquish that character in manner herein after mentioned; and that all persons, other than alien enemies, who shall migrate into this state, and shall before some court of record give satisfactory proof by oath (or being quakers or menonists, by affirmation) that they intend to reside therein, and also take the legal oath, or affirmation, for giving assurance of fidelity to the commonwealth (which oaths, or affirmations, the clerk of the court shall enter on record, and give a certificate thereof to the person taking the same, for which he shall receive the fee of one dollar) shall be entitled to all the rights, privileges, and advantages of citizens, except that they shall not be capable of election or appointment to any office, legislative, executive, or judiciary, until an actual residence in the state of two years from the time of taking such oaths, or affirmations, as aforesaid, nor until they shall have evinced a permanent attachment to the state, by having intermarried with a citizen of this commonwealth, or a citizen of any other of the United States, or purchased lands to the value of one hundred pounds therein.

II. *Provided always, and be it further enacted, That* no person whatsoever, having or holding any place or pension from any foreign state or potentate, shall be eligible to any office, legislative, executive, or judiciary, within this commonwealth.

III. And in order to preserve to the citizens of this commonwealth, that natural right which all men have of relinquishing the society in which birth or accident may have thrown them, and of seeking subsistence and happiness elsewhere, and to declare explicitly what shall be deemed evidence of an intention in any citizen to exercise that right; *Be it further enacted, That* whenever any citizen of this commonwealth, shall, by

Who shall be deemed citizens of this commonwealth,

Citizenship, how acquired.

When they may hold offices.

Exception as to those holding place or pension under foreign prince or potentate,

How a citizen may expatriate himself.

dead in writing, under his hand and seal, executed in the presence of, and subscribed by three witnesses, and by them or two of them proved in the general court, or the court of the county wherein he resides, or by open verbal declaration made in either of the said courts (to be by them entered of record) declare that he relinquishes the character of a citizen, and shall depart out of this commonwealth; such person shall, from the time of his departure, be considered as having exercised his right of expatriation, and shall thenceforth be deemed no citizen.

Repeal of
act of May,
1779, ch. 55.

H. R. 169.

IV. And be it further enacted, That the act of assembly passed in the year one thousand seven hundred and seventy nine, intituled "An act declaring who shall be deemed citizens of this commonwealth, shall be, and the same is hereby repealed.

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[Ch. CCIV
in original]

CHAP. XVII.

Chas. Rev.
p. 213.

An act prohibiting the migration of certain persons to this commonwealth, and for other persons.

Preamble.

Description
of persons
prohibited
from migrating
into this commonwealth,
or becoming
citizens.

I. WHEREAS it is just and necessary to prevent the admission into this state of those persons, who being either citizens or natives of some of the United States, have withdrawn themselves from their country, and actually been in arms, aiding and abetting the common enemy in their endeavours to subvert the rights and liberties of America: *Be it therefore enacted*, That all persons who having accepted a military commission from the United States, or any of them, or who having taken the oath of fidelity to any of the United States, or who having been natives of, or residents in any of the United States, on the nineteenth day of April, in the year one thousand seven hundred and seventy five, or at any time since, have at any time during the late war voluntarily joined themselves to the fleets or armies of the king of Great Britain, and have borne arms

against the United States, or any of them, within their territories or on their coasts, or who being inhabitants of any of the United States, on the nineteenth day of April, one thousand seven hundred and seventy-five, or at any time since, and have been owner, or part owners, of any privateer, or other armed vessel, cruising against the United States, or any of them, shall be, and they are hereby prohibited from migrating to, or becoming citizens of this state.

II. *And be it further enacted*, That all and every person or persons, who at any time acted as a member of the board, commonly called the Board of Refugee Commissioners at New-York, or who hath acted under the authority, or by the direction of the said board, shall be, and they are hereby prohibited from migrating to, or becoming citizens of this state.

Refugees prohibited.

III. *And be it further enacted*, That all persons resident in this or any other of the United States, on the said nineteenth day of April, and not included in the above descriptions, who are at present prohibited by law from migrating to this state, shall be, and they are hereby permitted to migrate into, and enjoy all the rights of citizenship, except that they shall not be capable of voting for members to either house of assembly, or of holding or exercising any office of trust or profit, civil or military: *Provided*, That nothing herein contained shall be construed so as to contravene the treaty of peace with Great Britain, lately concluded.

All other former residents allowed to return, but not to vote in elections or hold offices.

IV. *And be it further enacted*, That full and ample protection shall be given to all persons who shall come into this commonwealth upon lawful business, except those who are prohibited by this act from migrating into this state.

Not to contravene treaty of peace.

Protection to all, not prohibited, coming on lawful business.

V. *And be it further enacted*, That the act intituled "An act to prohibit intercourse with, and the admission of, British subjects into this state," and also so much of every other act or acts of assembly, as comes within the meaning of this act, shall be, and the same are hereby repealed.

Repeal of former act.

[Chap. CCV
in original.]

CHAP. XVIII.

An act to authorize the delegates of this state in congress, to convey to the United States, in congress assembled, all the right of this commonwealth to the territory north westward of the river Ohio.

Chas. Rev.
pa. 214.

X. 5 4
passed House of Del
19. Dec. 1783
passed Senate
20. Dec. 1783.

See vol.
10, pa. 562,
564, particu-
larly the
note to pa.
565, on our
resolution,
for ceding
the north
western ter-
ritory.
See also the
deed of ces-
sion, at the
end of this
volume.

I. WHEREAS the congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty,* recommend to the several states in the union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States of a portion of their respective claims for the common benefit of the union.

II. And whereas this commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty one,* yield to the congress of the United States, for the benefit of the said states, all right, title, and claim, which the said commonwealth had to the territory north-west of the river Ohio, subject to the conditions annexed to the said act of cession.

III. And whereas the United States in congress assembled, have by their act of the thirteenth of September last, stipulated the terms on which they agree to accept the cession of this state, should the legislature approve thereof, which terms, although they do not come fully up to the propositions of this commonwealth, are conceived on the whole, to approach so nearly to them, as to induce this state to accept thereof, in full confidence that congress will, in justice to this state for the liberal cession she hath made, earnestly press upon the other states claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal for the common benefit and support of the union: *Be it enacted by the General Assembly,* That it shall and may be lawful for the delegates of this state to the Congress of the United States, or such of them as shall be assembled in congress, and the said delegates, or such of them so assembled, are

Delegates in
Congress,
empowered
to convey to
U. States,
the north-
western ter-
ritory.

hereby fully authorized and empowered, for and on behalf of this state, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States in congress assembled, for the benefit of the said states, all right, title, and claim, as well of soil as jurisdiction, which this commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being to the north-west of the river Ohio, subject to the terms and conditions contained in the before recited act of congress of the thirteenth day of September last, that is to say: Upon condition that the territory so ceded shall be laid out and formed into states, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the states so formed, shall be distinct republican states, and admitted members of the federal Union, having the same rights of sovereignty, freedom, and independence, as the other states; that the necessary and reasonable expences incurred by this state in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory so ceded or relinquished, shall be fully reimbursed by the United States; and that one commissioner shall be appointed by congress, one by this commonwealth, and another by those two commissioners. who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by this state, which they shall judge to be comprized within the intent and meaning of the act of congress of the tenth of October, one thousand seven hundred and eighty, respecting such expences. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighbouring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this state, shall be allowed and granted to the then colonel, now general George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the posts of Kaskaskies and St. Vin-

Conditions.

Reservation,
in favour of
French and
Canadian in-
habitants,
settlers at
Kaskaskies
and St. Vin-
cents, and
gen. George
Rog. Clarke
his officers
and men

X. 565

cents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment; to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the north-west side of the Ohio as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good lands on the south-east side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North Carolina line bearing in farther upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands to be laid off between the rivers Scioto and Little Miami, on the north-west side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever. *Provided*, that the trust hereby reposed in the delegates of this state shall not be executed unless three of them, at least, are present in congress.

All the lands ceded to be; a common fund for the members of the federal alliance, and for no other use.

Three members at least to execute the trust.

CHAP. XIX.

An act to oblige vessels coming from foreign parts to perform quarantine.

[Chapter CCVI in original.]
 [From Rev. bills of 1779, chap. 78.]
 [Chan. Rev. p. 214.]

1. WHEREAS it is necessary to compel vessels arriving in this country from foreign parts of the world, to perform quarantine in certain cases, *Be it enacted by the General Assembly*, That vessels, persons, and merchandize, coming or brought into any place within this commonwealth, from any other part of the world, whence the governor with advice of his council shall judge it probable that any plague or other infectious disease may be brought, shall be obliged to make their quarantine in such place, during such time, and in such manner, as shall be directed by the governor, by his order in council, notified by proclamation, to be published in the Virginia Gazette; and until they shall be discharged from the quarantine, no such persons or merchandize shall come or be brought on shore, or go or be put on board of any other vessel in the commonwealth, but in such manner, in such cases, and by such licence, as shall be permitted by the order; and the vessels and persons receiving goods out of her, shall be subject to the orders concerning quarantine, and for preventing infection which shall be made by the governor in council and notified as aforesaid. The master of a vessel coming from sea, on board of which there shall be a person infected with the plague or other pestilential disease, shall immediately make the case known to some naval officer, who shall send intelligence thereof with all speed to the governor, that measures may be taken for support of the crew, and precautions used to prevent the spreading of the infection; and the master shall not enter into any port but shall remain in some open road, and shall avoid and hinder all intercourse with other vessels or persons; nor shall any of the passengers or crew go on shore until the order of the governor in council shall be received by the master. Whosoever shall offend against this act in either or any of the foregoing instances, shall be amerced the sum of five hundred pounds. When a place shall be infected with the plague or other pestilential disease, or when

Quarantine in foreign vessels, may be prescribed by governor in council by proclamation.

Rules for observing quarantine.

Penalty for breach. Whoever shall offend against this act in either or any of the foregoing instances, shall be amerced the sum of five hundred pounds.

the governor with advice of the council, shall have notified by proclamation published in the Virginia gazette, that it is judged probable the plague or other pestilential disease may be brought from any place, if a vessel from such place shall be coming into a port of the commonwealth; the naval-officer, or person who shall be authorized to see quarantine performed, shall go off or cause some other to go off to the vessel, and at a convenient distance require the commander to declare what is his name, at what places the cargo was taken on board, at what places the vessel touched in her passage, whether any of those places were infected with the plague or any other pestilential disease, how long the vessel had been in her passage, how many persons were on board when she set sail, whether any on board during the voyage had been infected with the plague or other pestilential disease, and who they are, how many died in the voyage, and of what distemper, what vessels he or any of his company with his privity went on board of, and whether any of their company had been on board of his vessel in their voyage, and to what places those vessels belonged, and what are the contents of his lading. And if it shall appear by the examination that the vessel ought to perform quarantine, the officers of the ships of war and forts and garrisons, or other officers civil or military of the commonwealth, having notice thereof, and other persons called to their assistance, may force such vessel by violence, and if necessary by firing guns at her, to go to the place appointed for quarantine. The master of a vessel coming from a place infected with the plague or other pestilential disease, or having any person on board so infected, who shall conceal it, or who shall not give true answers to the questions so to be propounded to him, shall be amerced the sum of five hundred pounds. The master of a vessel ordered to perform quarantine, when he shall be required, after his arrival at the place appointed, shall deliver to the officer authorized to see it performed there, the bills of health and manifests he shall have received during the voyage, with his log-book and journal; and refusing or neglecting so to do, or to repair in convenient time after notice to the place appointed, or escaping from thence before quarantine performed, shall be amerced the sum of five hundred pounds. Persons ordered to

Various penalties.

perform quarantine, if they shall escape, may be compelled to return, or if they shall attempt to escape, may be detained by the persons who shall be authorized to see the quarantine performed, and who may employ force and call for the assistance of others, if it be necessary, for this purpose. Any person going on board a vessel or into a place under quarantine, without license from the superintendant thereof, may be compelled to remain there, in the same manner as he might have been if he had been one of the crew of the vessel. A naval officer, or person authorized to execute an order concerning quarantine, guilty of wilful breach or neglect of duty, shall be amerced the sum of one thousand pounds. And any person embezzling or wilfully damaging goods performing quarantine under his direction, shall be liable to the party injured for treble the value of the damages sustained thereby. The vessel, persons, and goods, after quarantine performed, certificate thereof, and that they are free from infection, being given by the superintendant, shall be no further restrained by virtue of this act. A person authorized to see quarantine performed, or a watchman upon any vessel, place, or goods under quarantine, deserting his duty, or willingly permitting a person, vessel, or goods, to depart, or be conveyed away from the place where the quarantine ought to be performed, without a lawful licence; or a person empowered to give a certificate of the performance of quarantine, knowingly giving a false certificate, shall be amerced the sum of one hundred pounds. The forfeitures inflicted by this act shall be to the use of the commonwealth, and shall be recovered by action of debt, in which action the defendant shall be ruled to give special bail.

II. *And be it further enacted*, That the governor in council, shall direct the auditors to issue their warrants on the treasurer for such sums of money as may be necessary for the support of the persons performing quarantine and those appointed to see it performed, who is directed to pay the same out of the public money in his hands, appropriated to defray the contingent charges of government, and shall be repaid by the master or owner of the vessel, after quarantine performed.

Expenses,
how defray-
ed.

[Ch. CCVH
in original.]

CHAP. XX.

An act for cutting a navigable canal from the waters of Elizabeth river to the waters of North river.

I. WHEREAS the opening a communication of the waters of Elizabeth river with those of North river, will be of great benefit and advantage, as well to the inhabitants of the interior parts of this state as those of the state of North-Carolina, and it is represented to this present assembly that many persons are willing and desirous to subscribe and contribute thereto: For the encouragement therefore of so useful an undertaking,

Trustees appointed to receive subscriptions for cutting a navigable canal, from Elizabeth river to North river.

II. *Be it enacted*, That Thomas Brown, George Kelley, Peter Singleton, Josiah Parker, William White, James Hunter, John King, Daniel Sandford, and Solomon Shepherd, gentlemen, are hereby respectively authorized and empowered to take and receive subscriptions for that purpose. And if any person or persons shall neglect, fail, or refuse to pay the several sums of money by them respectively subscribed for the purposes of this act, it shall and may be lawful for the said trustees respectively, to sue for and recover the same in the name of the trustees for opening the said communication.

III. *And be it further enacted*, That the said trustees, or the major part of them, shall have full power and authority to contract and agree with any person or persons for opening the said communication for the passage of vessels, in such manner as to the said trustees shall seem most proper; and it shall and may be lawful for the said trustees, or any person or persons employed by them in the execution of this act, to go on the lands of any person whatsoever, and to dig, cut out, and open such canals or aqueducts, for the passage of the waters of the said rivers, and to build and place such locks therein as they shall think proper, without being subject to any action for the same; and if any suit shall be commenced for any thing to be done in pursuance of this act, the person or persons sued may plead the general issue, and give this act in

evidence; and every court before whom such suit shall be prosecuted, where a verdict shall be found for the defendant, or the plaintiff shall be nonsuited, shall award judgment for the defendant, with treble costs. *Provided always*, That the lands through which such canal or aqueduct is proposed to be opened, shall be first viewed and valued by a jury to be empannelled and sworn by order of the court of the county where such lands lie, on application of the trustees, in the same manner as is by law directed in cases of petitions preferred for land to build a mill on, and to be paid for by the said trustees, before such proposed canal or aqueduct shall be cut or opened.

IV. *And be it further enacted*, That the said trustees, or the major part of them, from time to time, as often as they shall see occasion, shall and may appoint a person or persons to act as treasurer or treasurers, who shall in the court of the county where he or they shall reside, give bond with sufficient security, in a reasonable penalty, payable to the said trustees and their successors, at all times when required, render a true and faithful account to the said trustees of all monies which shall come to his or their hands, and pay the same to such person or persons as the said trustees, or the major part of them, shall order and direct.

V. *And be it further enacted*, That in case of the death, resignation, removal out of the country, or other legal disability, or any one or more of the trustees nominated in this act, it shall and may be lawful for the surviving or remaining trustees, or any five of them, from time to time, to elect and choose so many other persons in the room of those so dead, resigning, removing, or disabled, as shall make up the number of nine; which trustees so chosen, shall be vested with the same power and authority as any other in this act particularly named. And to prevent disputes concerning the place where the said canal shall be cut,

VI. *Be it enacted*, That John Coleman, Joel Watkins, James Wall, James Mason, Samuel Goode, Isaac Coles, and Andrew Meade, gentlemen, or any four of them, are hereby appointed commissioners; and they, or any four of them, are hereby required, as soon as may be, to view and fix on the place where the said canal or aqueduct shall be cut or opened, and that it

shall not be lawful for a canal or aqueduct to be cut or opened in any other place within the counties of Princess Anne or Norfolk.

VII. *And be it further enacted,* That the trustees, or the major part of them, shall and may exact, demand, and receive, a toll from all vessels entering into or passing through the said canal, so as such toll do not annually exceed ten per centum on the amount of the money expended in opening the said canal; and if any person or persons entering into or passing through the said canal, shall neglect or refuse to make present payment of the toll, it shall and may be lawful for the said trustees, or any person deputed by them for that purpose, to stop such vessel, and seize and sell so much of the loading or tackle as will be sufficient to pay the toll. If any person shall presume to exact a greater toll than is fixed by the trustees, or shall make unreasonable seizure, he shall for every offence forfeit and pay the sum of twenty pounds, to be recovered with costs by information in any court, to the use of the informer, and moreover be liable to the action of the party grieved for damages.

VIII. *And be it further enacted,* That it shall not be lawful for any person whatsoever to erect, raise or build, any hedge or stop in the said canal; and if any person shall presume so to do, he or they so offending, shall forfeit and pay the sum of one hundred pounds; which shall and may be sued for and recovered by the said trustees in their names, and shall be applied towards repairing the said canal.

CHAP. XXI.

[CH. CCVIII
in original.]

An act for surveying and apportioning the lands granted to the Illinois regiment, and establishing a town within the said grant.

Chan. Rev.
pa. 215.

1. FOR locating and surveying the one hundred and fifty thousand acres of land granted by a resolution of assembly to colonel George Rogers Clark, and the officers and soldiers who assisted in the reduction of the British posts in the Illinois:* *Be it enacted by the General Assembly*, That William Fleming, John Edwards, John Campbell, Walker Daniel, gentlemen, and George Rogers Clark, John Montgomery, Abraham Chaplin, John Bailey, Robert Todd, and William Clarke, officers in the Illinois regiment, shall be, and they are hereby constituted a board of commissioners; and that they, or the major part of them, shall settle and determine the claims to land under the said resolution. That the respective claimants shall give in their claims to the said commissioners on or before the first day of April, one thousand seven hundred and eighty-four, and if approved and allowed, shall pay down to the said commissioners one dollar for every hundred acres of such claim, to enable them to survey and apportion the said lands. The said commissioners shall appoint a principal surveyor, who shall have power to appoint his deputies, to be approved by the said commissioners, and to contract with him for his fees. That from and after the said first day of April, one thousand seven hundred and eighty-four, the said commissioners, or the major part of them, shall proceed with the surveyor to lay off the said one hundred and fifty thousand acres of land, on the north-west side of the Ohio river, the length of which shall not exceed double the breadth; and after laying out one thousand acres at the most convenient place therein for a town, shall proceed to lay out and survey the residue, and divide the same by fair and equal lot among the claimants; but no lot or survey shall exceed five hundred acres. That the said commissioners in their apportionments of the said land, shall govern themselves by the allowances made by law to the officers and soldiers

*See vol. 16,
pa. 565

Commissioners to adjust claims for lands granted to Geo. Rogers Clarke, his officers and men.

When claims to be given in.

Contribution

Surveyor and deputies to be appointed.

When and how lands shall be surveyed, divided, by lot, patented, and conveyed.

in the continental army. That the said commissioners shall, as soon as may be, after the said one hundred and forty-nine thousand acres shall be surveyed, cause a plat thereof, certified on oath, to be returned to the register's office, and thereupon a patent shall issue to the said commissioners or the survivors of them, who shall hold the same in trust for the respective claimants; and they, or the major part of them, shall thereafter upon application, execute good and sufficient deeds for conveying the several portions of land to the said officers and soldiers.

A town to be
laid off and
named, Clarksville.

II. *And be it further enacted*, That a plat of the said one thousand acres of land laid off for a town, shall be returned by the surveyor to the court of the county of Jefferson, to be by the clerk thereof recorded, and thereupon the same shall be, and is hereby vested in William Fleming, John Edwards, John Campbell, Walker Daniel, George Rogers Clark, John Montgomery, Abraham Chaplin, John Bailey, Robert Todd, and William Clark, gentlemen, trustees, to be by them, or any five of them, laid off into lots of half an acre each, with convenient streets and public lots, which shall be and the same is hereby established a town by the name of Clarksville. That after the said lands shall be laid off into lots and streets, the said trustees, or any five of them, shall proceed to sell the same, or so many as they shall judge expedient, at public auction, for the best price that can be had, the time and place of sale being previously advertised two months at the court-houses of the adjacent counties; the purchasers respectively to hold their said lots, subject to the condition of building on each a dwelling-house twenty feet by eighteen at least, with a brick or stone chimney, to be finished within three years from the day of sale; and the said trustees, or any five of them, are hereby empowered to convey the said lots to the purchasers thereof in fee simple, subject to the condition aforesaid; and the money arising from such sale shall be applied by the said trustees in such manner as they may judge most beneficial for the inhabitants of the said town; that the said trustees, or the major part of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and orders for the regular building thereon as to them shall

Lots to be
sold for the
benefit of
the inhabi-
tants.

seem best and most convenient; and in case of the death, removal out of the county, or other legal disability, of any of the said trustees, the remaining trustees shall supply such vacancies by electing others from time to time, who shall be vested with the same powers as those particularly nominated in this act.—The purchasers of the said lots, so soon as they shall have saved the same according to their respective deeds of conveyance, shall have and enjoy all the rights, privileges, and immunities which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said trustees, or a major part of them, may thereupon enter into such lot, and may either sell the same again and apply the money towards repairing the streets, or in any other way for the benefit of the said town, or appropriate such lot to the public use of the inhabitants of the said town.

Subject to the condition of building thereon,

and sold again, if forfeited.

CHAP. XXII.

[Chapter CCIX in original.]

An act to revive and amend an act, intituled, An act for adjusting claims for property impressed or taken for public service.

I. WHEREAS the act of assembly passed in the year one thousand seven hundred and eighty-one, intituled, "An act for adjusting claims for property impressed or taken for public service," which was continued and amended by several subsequent acts, expired on the first day of June last, and it is expedient and necessary that the same should be revived and amended:

Act for adjusting claims for property impressed for public service, further continued.

II. *Be it therefore enacted*, That the act, intituled, "An act for adjusting claims for property impressed or taken for public service," be revived, and shall continue and be in force from and after the passing of this

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S 2

act, until the first day of June next. And whereas doubts have arisen among the county courts, whether they are authorized to take cognizance of certificates of property impressed or furnished for public service, given by continental officers, and thereby various constructions of the several laws on this subject have ensued, which have prevented any uniform system of liquidation:

County courts authorized to act on certificates given by continental officers.

III. *Be it therefore enacted*, That the county courts of this state shall be, and they are hereby authorized, to settle and adjust claims depending on certificates from continental officers, either of the staff or line, in the same manner as those depending on certificates from the officers in the particular service of this state. *Provided*, That nothing in this act shall be construed to extend to a species of certificates from the continental quarter-masters, commonly called due bills, which specify a certain sum to be due to the persons to whom they are given, from the United States.

IV. *And be it further enacted*, That all claims which shall in future be passed by the several county courts, shall be returned by the respective clerks thereof to the office of the auditors of public accounts, who are hereby directed to liquidate the same, and grant certificates thereof, in the same manner as they were by them previous to the appointment of commissioners for that purpose.

CHAP. XXIII.

[Chap. CCX in original.]

Act of May 1782, authorizing the court of Botetourt county to levy certain arrears, due the rev. Adam Smyth, the incumbent of the parish, repealed.

An act to repeal a former act, and to enable the court of Botetourt county to levy a sum of money due to the reverend Adam Smyth.

I. WHEREAS by an act of assembly, passed in May, one thousand seven hundred and eighty two, intituled, "An act to enable the court of Botetourt to levy certain arrears due the incumbent on the parish," the four first acting magistrates for the said county, or any

three of them, were authorized to assess on the tithable persons of the said parish, a sum sufficient to pay off all arrears that appeared to be due to the rev. Adam Smyth, incumbent thereof. And whereas it appears that the arrearages so due were for services performed prior to the year one thousand seven hundred and seventy-six, at which time the counties of Montgomery, Washington, Greenbrier, and part of Rockbridge, constituted the parish of Botetourt, and it is reasonable that all those who were at that period tithables of said parish should bear their proportion of the said arrears of salary:

II. *Be it therefore enacted*, That the above recited act shall be, and the same is hereby repealed.

III. *And be it further enacted*, That the court of the said county of Botetourt, shall, and they are hereby directed and required, within six months after the passing of this act, to assess on the persons who were tithables in the said parish of Botetourt, according to the lists thereof taken in the year one thousand seven hundred and seventy-six, and yet are residents of the said county, or in the counties of Greenbrier, Montgomery, Washington, or Rockbridge, a sum sufficient to pay off the arrears of salary due to the said incumbent, as settled by the commissioners of the tax of the said county of Botetourt. *Provided*, that the counties of Washington, Montgomery, Rockbridge, and Greenbrier, shall be allowed a discount for their proportion of the value of the glebe in the said parish of Botetourt, which shall be ascertained by two persons chosen by the court of each of the aforesaid counties, before the said county of Botetourt be at liberty to levy the arrears due to the incumbent of the said parish; provided the said apportionment is made before the first day of June next. The respective sheriffs or collectors of the said counties of Botetourt, Greenbrier, Montgomery, Washington, and Rockbridge, are hereby empowered to collect and distrain for all such sums of money as shall be assessed on any of the inhabitants of the said counties by the said court of Botetourt, and shall account for and pay the same in like manner as is directed in the case of parish levies.

Court of Botetourt county, to levy on the tithables of that county, and the counties of Greenbrier, Montgomery, Washington, & Rockbridge, which constituted Botetourt parish, when the said arrearages accrued, the amount thereof.

[Chapter
CCXI in ori-
ginal.]

CHAP. XXIV.

[See May,
1783, ch. 41.]

An act to repeal an act, intituled an act to give further time for the probatation of deeds and other instruments of writing, and for other purposes.

Act extend-
ing limita-
tion, for pro-
batation of
deeds, re-
pealed.

I. WHEREAS the act passed at the last session of assembly, intituled, "An act to give further time for the probatation of deeds and other instruments of writing, and for other purposes," occasions too great and injurious a change in the rules of evidence and the computation of time for the probatation of deeds and other instruments of writing, and in its operation repeals an act "To discourage extensive credits, and repealing the act prescribing the method of proving book debts," which act was founded on wise and just principles of policy:

II. *Be it enacted*, That the said before recited act, intituled, "An act to give further time for the probatation of deeds and other instruments of writing, and for other purposes," shall be, and the same is hereby repealed.

General
court may
receive pro-
bat of deeds
at June and
December
terms, as
well as at A-
pril and Oc-
tober.

III. *And be it further enacted*, That the judges of the general court, at their sessions in the months of June and December annually, shall have the same power, and they are hereby directed and required, to receive the probat of any deed, or other instrument of writing, in the same manner as they can or may do by law at their sessions in the months of April and October, and to cause the same to be recorded,

CHAP. XXV.

An act appointing certain persons to receive subscriptions and contract with undertakers for the clearing of James river through the South mountain.

[Chapter
CCXII in
original.]

I. WHEREAS the extending the navigation of James river from the land of Nicholas Davies in the county of Bedford, to the mouth of the Cow-Pasture, will be of public utility;

II. *Be it therefore enacted by the General Assembly,* That William Cabell, John Bowyer, George Skilleron, Zachariah Johnson, Andrew Donnelly, George Clendinen, John Greenlee, Patrick Lockhart, William McKee, Archibald Stuart, and Andrew Moore, gentlemen, be, and they are hereby nominated and appointed trustees for clearing the said river, and to receive subscriptions for that purpose, either in money, hemp, tobacco, or flour. If any person or persons shall neglect or refuse to pay the several sums of money, or quantities of tobacco, hemp, or flour, respectively subscribed for the purposes of this act, it shall and may be lawful for the said trustees respectively, or the undertaker, to sue for and recover the same.

Trustees appointed for improving navigation of James River through the South mountains.

III. *And be it further enacted,* That the said Trustees, or the major part of them, shall have full power and authority to contract and agree with any person or persons for clearing and opening the navigation of the said river, from the lands of Nicholas Davies in the said county of Bedford, to the mouth of Cow-Pasture river, in such manner as the said trustees shall think best. That the said trustees, or the major part of them, shall and may from time to time appoint one or more of their members to be receiver or receivers of the money, hemp, tobacco, or flour, subscribed for the purposes of this act, who shall in the court of the county where he or they reside, enter into bond with sufficient security, to the commonwealth, in a reasonable penalty, with condition that he or they, his or their executors or administrators, shall and will, at all times when required, well and faithfully account for and pay to the

said trustees, or to such person or persons as they or a majority of them shall direct, all monies, hemp, tobacco, or flour, which shall be by him or them received under the authority of this act. That in case of the death, refusal to act, or other legal disability of any one or more of the said trustees, it shall be lawful for the remaining trustees to elect and choose others to supply such vacancies; which trustees so chosen, shall have the same power and authority as those particularly named in this act. And whereas it is just and reasonable that those persons who advance money, hemp, tobacco, or flour, for the purposes of carrying this act into execution, should be repaid the same or the value thereof:

Tolls.

IV. *Be it therefore enacted*, That every person who shall bring any hemp, tobacco, or flour, by water from either of the counties of Rockbridge, Botetourt, Montgomery, Washington, or Greenbrier, through the Blue-Ridge, shall pay to whatever person shall be appointed by the trustees aforesaid, the sum of ten shillings for every hogshead of tobacco; two shillings for every hundred pounds of hemp; and one shilling for every cask of flour; to be accounted for and paid by the receiver annually to the said trustees, and to be by them applied towards re-paying the principal and interest of the respective sums of money or value of tobacco, hemp, and flour, subscribed and paid for clearing the said river.

CHAP. XXVI.

[Chapter
CCXIII in o-
riginal.]
Chan. Rev.
pa 216.
See October,
1777, c. 15, 17

An act to amend the acts for establishing the high court of chancery and general court.

I. WHEREAS great inconvenience may arise to the suitors in the several courts of this commonwealth, who are litigant with persons residing without this commonwealth, and have not agents or attornies within the same, by the death or removal of witnesses whose de-

positions cannot legally be taken for want of notice to such absent persons. And whereas the acts establishing the high court of chancery and general court, require some amendments, *Be it therefore enacted*, That when any commission to take the deposition of a witness, in a suit depending in any of the courts of this commonwealth, where the plaintiff or defendant in such suit doth not reside within the same, or hath not an agent or attorney within the same, to whom notice of the time and place of taking such deposition can be given, then the person obtaining such commission having published in the Virginia Gazette, four weeks successively, the time and place when and where the witness is to be examined, and the name of the witness, together with the names of the parties to the suit in which such witness is to be examined, it shall and may be lawful for any plaintiff or defendant as aforesaid, to proceed to take any deposition authorized by the commission issuing from the court agreeable to law, where the suit depends as aforesaid; and such deposition, when taken and returned to the clerk's office agreeable to the rules of the court from whence the commission issued, shall there be filed and allowed to be read in evidence, in the same manner and under the like restrictions, as if notice had been duly given to the opposite party; any law, usage, or custom, to the contrary in any wise notwithstanding. And the printer may demand and receive the sum of twelve shillings for publishing such advertisement four weeks, which shall be taxed in the bill of costs if the party chargeable therewith shall prevail in the suit.

Notice to take depositions, may be given to non resident parties, by publication.

Printer's fee for publication.

II. *And be it further enacted*, That where a plaintiff or defendant in any action or suit depending in the general court, or which may hereafter be commenced in the general court, shall produce to the clerk of the general court an affidavit or affidavits for the purpose of obtaining a commission to take the deposition of a witness, the said clerk may, and he is hereby authorized and empowered to issue a commission in the same manner and under the like restrictions as any judges of the general court might or could do in vacation time.

Clerk of the general court, upon affidavit filed to issue commissions.

III. And whereas the mode of trial in order to ascertain all material facts, affirmed by the one party and denied by the other, in the suits depending, or that may hereafter be commenced, in the high court of

Ordinary trials by jury in Chancery repealed.

Former mode of trial revived.

chancery by jury upon *viva voce* testimony in the said court, hath been found to be expensive to the parties, and inconvenient to witnesses, *Be it therefore enacted*, That so much of the twenty-sixth rule prescribed by the act for establishing an high court of chancery, as directs such matters of fact to be tried by jury in the said court upon *viva voce* testimony, shall be, and the same is hereby repealed; and henceforward the mode of trial in all causes now depending before the high court of chancery, as well as in such as may hereafter be commenced, shall be the same as heretofore used and practised in the courts of chancery within the colony of Virginia under the the former government.

[Ch. CCXIV
in original.]

CHAP. XXVII.

[Chan. Rev.
pa 217]

An act to amend the several acts for regulating public ferries.

See 1769,
ch. 25.

I. WHEREAS it has been represented to this assembly, that a public ferry across the rivers Staunton and Dan, near the confluence of the said rivers, in the county of Mecklenburg, from the land of Sir Peyton Skipwith on the north side, to his land on the south side, will be of great advantage to travellers and others:

Skipwith's
ferry established.
Rates.

II. *Be it therefore enacted*, That a public ferry shall be constantly kept at the aforesaid place, and that the rates for crossing, and penalties for neglect of duty, shall be the same as is directed in the case of other ferries established by law in the said county. And whereas the acts now in force for regulating ferries, are insufficient to restrain those living near public ferries from setting over passengers from their lands, across rivers and creeks where such ferries are established, to the great injury of the keepers thereof,

Penalty on private persons ferrying over others for reward.

III. *Be it enacted*, That if any person, other than a ferry keeper, shall hereafter, for reward, set any person or persons over any river or creek whereon

public ferries are established, or shall permit or allow any persons living on the opposite shore of such river or creek, to take passengers from their lands contiguous to a public ferry, he or she so offending, shall forfeit and pay five pounds current money for every such offence, one moiety to the ferry-keeper nearest the place where such offence shall be committed, the other moiety to the informer; and if such ferry-keeper shall be the informer, he shall be entitled to the whole penalty; to be recovered with costs, by action of debt or information in any county court within this commonwealth.

IV. *And be it further enacted*, That all and every act and acts, contrary to the meaning of this act, shall be, and the same are hereby repealed.

CHAP. XXVIII.

[Ch. CCXV
is original.]

An act for establishing inspections of tobacco on the western waters, at Portsmouth, in the county of Norfolk, and at Gibson's, in the county of King George.

Chan. Rev.
pa. 217.

See May,
1783, ch. 10.

I. WHEREAS it is represented to this present general assembly, that the erecting of ware-houses for the inspection of tobacco in the county of Lincoln, on Kentucky river, at the mouth of Hickman's creek, on the lands of James Hogans; also in the county of Jefferson, at the falls of the Ohio river, on the lands of John Campbell; also in the county of Fayette, at Lee's Town, on the Kentucky river, on the lands of Hancock Lee; in the county of Norfolk, on the public lands in the town of Portsmouth; and also in the county of King George, on the lot of land belonging to John Gravett and William Shropshire, will be of public benefit:

Preamble.

II. *Be it therefore enacted*, That the said inspections of tobacco shall be, and they are hereby established at the places aforesaid, that is to say: The inspection in the county of Lincoln, shall be called and known by

New ware-
houses estab-
lished.

Courts to
build ware-
houses and
recommend
inspectors.

Currency of
their trans-
fer notes.

Inspectors'
salaries.

Inspection
tax.

the name of Hickman's; the inspection in the county of Jefferson, shall be called and known by the name of Campbell's; the inspection in the county of Fayette, shall be called and known by the name of Lee's; in the county of Norfolk, shall be called Portsmouth; and the inspection in the county of King George, shall be called and known by the name of Gibson's. And the courts of the said counties shall observe the same rules and regulations in erecting the said ware-houses, and recommending of inspectors, as are prescribed by the act, intituled, "An act to amend and reduce the several acts of assembly for the inspection of tobacco, into one act;" and that the transfer notes issued by the inspectors at the ware-houses in the said counties of Lincoln, Jefferson, and Fayette, shall be payable in the said counties for all county and parish levies, and also all clerks, sheriffs, and other officers fees, within the same; and the transfer notes issued by the inspectors at Gibson's ware-house, shall be payable in like manner as those formerly issued by the inspectors at Gibson's ware-house in the said county of King George.

III. *And be it further enacted*, That the acting inspectors attending the said ware-houses, shall be entitled to, and receive the following salaries, that is to say: At Hickman's ware-house, the sum of twenty-five pounds each; the inspectors at Campbell's ware-house, the sum of twenty-five pounds each; at Lee's ware-house, the sum of twenty-five pounds each; at Portsmouth, thirty pounds each; and at Gibson's ware-house, the sum of thirty pounds each. And the surplus money remaining in their hands, after paying their wages and other contingent charges of the ware-houses, shall be accounted for in the same manner as is directed by the said recited act.

IV. *And be it enacted*, That for all tobacco which shall be delivered out of the ware-houses aforesaid, there shall be paid to the inspector, by the person demanding the same, ten shillings for every hogshead so delivered, and one shilling and three pence for every hundred weight which may be put up in any lesser package; which money shall be the fund for payment of the inspectors salaries as well as for supporting the respective warehouses.

CHAP. XIX.

[Chapter
CCXVI in
original.]*An act to ascertain the mode of obtaining grants to certain lands on the western waters.*See May, c.
1779, ch 12,
vol. 10, pa.
42, 48.

I. WHEREAS, in obedience to an act of assembly, intituled, "An act for adjusting and settling the titles of claimers to unpatented lands, previous to the establishment of the commonwealth's land-office," the commissioners thereby appointed, proceeded to issue certificates to different claimants under the said act:

Preamble.

II. And whereas many surveys made in conformity to the said certificates, include other surveys made for the same persons under the sanction, and in the name of several companies who obtained grants under the former government, and which have since been confirmed by the high court of appeals: For the preservation of the rights of such companies, and convenience of those who have obtained surveys under the decision of the said commissioners, *Be it enacted*, That all persons who have obtained certificates from the respective commissioners acting under the above recited act, for land they also claimed by purchase from the grantees, may return their surveys made in conformity to such certificates to the land office, and the register is hereby authorized and required to issue grants upon all such surveys, within six months after they have been returned into his office. *Provided always*, That the proprietor of such surveys shall account with the grantees or their agents, for so much of the lands as were surveyed to the said companies, prior to the year one thousand seven hundred and seventy-six, agreeable to the decree of the court of appeals, that is to say, they shall pay the said companies or their agents, the sum of three pounds per hundred acres, for all land confirmed to the said grantees as aforesaid, with lawful interest from the fifteenth day of May, one thousand seven hundred and seventy-nine, and no more.

Persons claiming the same land, under certificates of commissioners, and also by purchase from certain companies, may return their surveys, made in conformity with such certificates, and obtain patents.

But must pay the company 3l. per hundred and interest from May 15, 1779.

III. And in lieu of forfeiture of lands in case of non-payment, which is unreasonable, and shall hereafter cease: *Be it further enacted*, That for all arrearages which shall be due, and have been previously demand-

After 25th Dec 1784, distress may be made of the land, for

arrears of
purchase
money, and
forfeitures
to come.

ed by the said companies or their agents, on or before the twenty-fifth day of December, one thousand seven hundred and eighty-four, previous to which no distress shall be made, the sheriffs of the counties wherein such lands lie, the price of which may be due, at the request of the different companies or their agents, may, and are hereby directed to lay off in a compact body, so much of the said land, to be pointed out by the tenant or proprietor, as shall be the value of such debt, and shall proceed to sell the same, charging the debtor with the usual commission thereon, and the expense of surveying such dividend or quantity of land; provided that he gives thirty days public notice of the time and place of such sale.

Public to re-
pay the ex-
pense of as-
certaining
titles before
commission-
ers, since
evicted by
court of ap-
peals.

IV. And whereas many of the citizens of this commonwealth, have paid considerable sums of money to commissioners, clerks, and surveyors, for ascertaining their titles to lands, which titles have since been evicted by a decree of the court of appeals, *Be it therefore enacted*, That the clerks and surveyors belonging to the different districts laid off by the above recited act, shall immediately upon the receipt of this act, ascertain the amount of all surveys made prior to the year one thousand seven hundred and seventy-six, which are included in the certificates granted by the commissioners, and the disbursements in specie of the proprietors of the said land respectively, to the said commissioners, clerks, and surveyors, in procuring certificates for re-surveying the same; which accounts shall be duly proved before any county court of the district, and certified by the clerk of such court to the auditors of public accounts, who shall issue their warrants for the same; which warrants shall be receivable in taxes under the act for calling in and redeeming certain certificates.

V. *And be it further enacted*, That all acts coming within the purview of this act, shall be, and the same are hereby repealed.

CHAP. XXX.

An act to revive and continue the several acts of Assembly for suspending the issuing of executions on certain judgments until December, 1788.

[Chapter, CCXVII in original.]

[Chan. Rev. p. 218. ✓]

See Nov. 1781, ch 23.
May, 1782, ch 44.
Oct. 1782,

I. WHEREAS the present scarcity of specie in this state causes an utter inability in debtors to discharge their debts, unless they are still permitted to pay them in the produce of the country, or by transferring property to their creditors, and it is therefore wise, just, and necessary, that the act, intituled, "An act to amend an act, intituled, an act to repeal so much of a former act as suspends the issuing of executions on certain judgments until December, one thousand seven hundred and eighty-three," (which provides a remedy for the said mischief) and expired on the first day of the present month, should be revived and further continued: *Be it therefore enacted*, That the said recited act, intituled, "An act to amend an act, intituled, an act, to repeal so much of a former act as suspends the issuing of executions on certain judgments until December, one thousand seven hundred and eighty-three," be, and the same is hereby revived and further continued, from the day on which it expired, for and during the term of four months, and from thence to the end of the next session of assembly.

See p. 176.
Acts of Oct. 1782, ch 45, & May, 1782, ch 44, prohibiting recovery of British debts, & permitting lands & slaves to be tendered on execution is revived and continued.

II. And whereas the said before recited act, intituled, "An act to repeal so much of a former act as suspends the issuing of executions upon certain judgments until December, one thousand seven hundred and eighty-three," hath also expired: *Be it farther enacted*, That the said last recited act, intituled, "An act to repeal so much of a former act as suspends the issuing of executions upon certain judgments until December, one thousand seven hundred and eighty-three," shall be, and the same is hereby also revived, and shall continue and be in force for and during the term of four months, and from thence to the end of next session of assembly.

[Chapter
CCXVIII in
original.]

CHAP. XXXI.

Chan. Rev.
p. 218.

An act to provide certain and adequate funds for the payment of this state's quota of the debts contracted by the United States.

Provision for
paying this
state's quota
of debts con-
tracted by U-
nited States.

Act passed in
House 16 Dec.
Senate 18 Dec.
Jour. H. of Del.
65-70.

Congress
empowered
to levy a du-
ty on goods
imported &
make regu-
lations for
collecting it.

Duty on par-
ticular arti-
cles.

I. WHEREAS the United States in congress assembled, did, by their act of the eighteenth day of April in the present year, recommend to the several states as indispensibly necessary to the restoration of public credit, and to the punctual and honorable discharge of the public debts, to invest the United States in congress assembled, with a power to levy for the use of the United States, certain duties upon goods imported into the said states from any foreign port, island, or plantation, as therein enumerated, and upon all other goods, a duty of five per centum *ad valorem*, at the time and place of importation, subject to such limitations and restrictions as in the said act are particularly mentioned.

II. And whereas the raising a general revenue throughout the United States by duties imposed on commodities imported, and appropriated to the discharge of the principal and interest of the public debts, may contribute to lighten the burthen of taxes on real and personal property, and thereby prove a great ease and relief to the people; *Be it enacted*, That the United States in congress assembled, shall be, and they are hereby vested with full power and authority, to levy for the use of the United States, upon goods imported into this state from any foreign port, island, or plantation, the following duties, to be collected under such regulations as the United States in congress assembled shall direct, to wit: Upon all rum of Jamaica proof, per gallon, four ninetieths of a dollar; upon all other spirituous liquors, three ninetieths of a dollar; upon Madeira wine, twelve ninetieths of a dollar; upon all other wines, six ninetieths of a dollar; upon common Bohea tea, per pound, six ninetieths of a dollar; upon all other teas, twenty-four ninetieths of a dollar; upon pepper per pound, three ninetieths of a dollar; upon brown sugar, per pound, half a ninetieth of a dollar; upon loaf sugar, two ninetieths of a dollar; upon all other sugars, one ninetieth of a dollar; upon molasses,

per gallon, one ninetieth of a dollar; upon cocoa and coffee, per pound, one ninetieth of a dollar; and upon all other goods, a duty of five *per centum ad valorem*, at the time and place of importation. *Provided*, that the said duties shall be applied to the discharging the interest and principal of the debts contracted on the faith of the United States for supporting the late war, and on no account diverted to any other use or purpose, nor to be continued for a longer term than twenty-five years. *And provided also*, that an account of the proceeds and application of the said duties, be made out and transmitted annually to the several states distinguishing the proceeds of the several articles, and the amount of the whole revenue received from each state, together with the allowances made to the several officers employed in the collection of the said revenue.

5 per cent.
ad valorem
on all other
goods.

Appropriation and continuance of duties.

To be annually accounted for.

III. *And be it further enacted*, That the governor of this commonwealth, for the time being, with the advice of the council, shall be, and he is hereby authorized and empowered in the first instance, and as there shall be occasion, from time to time to appoint the collectors of the duties aforesaid, which collectors so appointed, shall be amenable to, and removable by, the United States in congress assembled, alone; and in case the governor, as aforesaid, shall fail to make such appointment, within one month after notice given to him by congress for that purpose, the appointments may then be made by the United States in congress assembled; provided such appointment be made to a citizen of this state.

Governor & council to appoint collectors, removable by congress.

IV. *And be it further enacted*, That this act shall commence and be in force, so soon as each and every of the other states in the union shall pass laws conformable to the act of congress herein before recited, and official communication thereof be made by the United States in congress assembled, to the governor of this commonwealth, who, on receipt thereof, shall promulgate the same by proclamation, which he is hereby authorized and directed to issue, and thereupon the respective grants of the states shall be considered and deemed by this state as forming a mutual compact among all the states, and be irrevocable by any one or more of them without the concurrence of the whole, or a majority of the United States in congress assembled.

Commencement & continuance of the act.

Collectors
not to be car-
ried for trial
or compel-
led to an-
swer a suit
out of the
state
Other regu-
lations.

Trials upon
seizures
here, to be
in the court
of admiralty
and appeals
to the court
of appeals
Limitation
of forfei-
tures.

Provided always, that nothing herein contained shall give the United States in congress assembled, a power to direct any regulations for collecting the aforesaid duties, which shall extend so far as to subject any person or persons committing a breach of this act within this commonwealth, to be carried out of the same for trial, or to compel him to answer any action out of the state, or to deprive him of a trial according to the constitution and laws of this commonwealth, or to convict him criminally, without a trial by jury, or his own voluntary confession in open court, or to impose excessive fines, or to break open any dwelling-house, store, or ware-house, at any other time than the day time, between the rising and sitting of the sun, nor then, without a warrant from a lawful magistrate, and issued upon the oath of the party requesting the same. *And also provided*, that the trial on all seizures arising within this commonwealth, under this act, shall be before the court of admiralty of this state, and from the judgment of the said court, either party shall be allowed an appeal to the court of appeals of this state, before whom a trial shall in all cases be final; and that in no case the forfeiture shall exceed the goods seized and the vessel in which the said goods may be imported.

[Chapter
CCXIX in
original]

[Chan Rev.
p. 219.]

CHAP. XXXII.

An act for reducing the several acts of assembly concerning surveyors, into one act, and for paying clerks and other officers fees.

Preamble.

Surveyors,
how appoint-
ed.

1. FOR reducing the several acts of assembly concerning surveyors into one act, and for defining as well their duties as for establishing and regulating their fees in future, *Be it enacted*, That every person who shall hereafter desire to become a surveyor, shall be nominated by the court of his county, examined & certified able by the president and professors of William and Mary College, and if of good character, commissioned by the

governor, with a reservation in such commission to the said professors, for the use of the college, of one sixth part of the legal fees that shall be received by such surveyor, for the yearly payment of which he shall give bond with sufficient security to the president and masters of the said college; he shall hold his office during good behaviour; and before he shall be capable of entering upon the execution of his office, shall, before the court of the same county, take an oath and give bond with two sufficient sureties to the governor and his successors, in such sum as he with advice of his council, shall have directed, for the faithful execution of his office. All deputy surveyors shall be recommended by their principals to the court of the county of which such principal may be surveyor; the court shall thereupon appoint and direct one or more fit persons to examine into the capacity, ability, and fitness of the person or persons so recommended, and upon a certificate of such examination and report of the capacity, ability, and fitness of the person or persons so recommended, the said court is hereby empowered and directed to appoint him or them to act as deputy or deputies, for whose conduct in every respect touching his office, the principal surveyor shall be answerable; and all deputies so appointed, shall have power and authority to act and do in all things and to every intent and purpose, as the principal surveyor, except in cases otherwise provided by this act, and shall thereupon be entitled to one half the fees received for services performed by them respectively, after deducting the proportion thereof due to the college. If any principal surveyor shall fail to nominate a sufficient number of deputies to perform the services of his office in due time, the court of the county shall direct what number he shall nominate, and in case of failure shall nominate for him. And if any deputy surveyor, or any other on his behalf and with his privity, shall pay or agree to pay any greater part of the profits of his office, sum of money in gross, or other valuable consideration, to his principal for his recommendation or interest in procuring the deputation, such deputy and principal shall be thereby rendered forever incapable of serving in such office. Every person having a land warrant, and being desirous of locating the same on any particular waste and appropriated lands, shall lodge such

To give bond to the college.

Tenure of office. To be sworn and give bond in court.

How deputies shall be appointed.

Their power and compensation.

Penalty for giving principal more.

Land warrants to be lodged with principal surveyor.

Locations to be precisely made and entered in a book.

Preference where different applications to locate the same land.

Notice of time of surveying to persons out of the county.

How a surveyor may locate his own warrants.

When and how surveys of located lands are to be made.

Notice.

warrant with the chief surveyor of the county wherein the said lands or the greater part of them lie, who shall give a receipt for it if required. The party shall direct the location thereof so specially and precisely as that others may be enabled with certainty to locate other warrants on the adjacent residuum; which location shall bear date the day on which it shall be made, and shall be entered by the surveyor in a book to be kept for that purpose, in which there shall be left no blank leaves or spaces between the different entries.— And if several persons shall apply with their warrants at the office of any surveyor at the same time, to make entries, they shall be preferred according to the priority of the dates of their warrants, but if such warrants be dated on the same day, the surveyor shall settle the right of priority between such persons by lot. And every surveyor shall, at the time of making entries for persons not being inhabitants of his county, appoint a time for surveying their land, and give notice thereof in writing to the persons making the same; and if on such application at his office, the surveyor shall refuse to enter such location, under pretence of a prior entry for the same lands made by some other persons, he shall have a right to demand of the said surveyor a view of the original of such prior entry in his book, and also an attested copy of it. Any chief surveyor having a warrant for lands, and desirous to locate the same within his own county, shall enter such location with the clerk of the county, who shall return the same to his next court, to be there recorded; and the said surveyor shall proceed to have the survey made as soon as may be, or within six months at farthest, by some one of his deputies, or if he hath no deputy, then by any surveyor or deputy surveyor of an adjacent county, and in case of failure his entry shall be void, and the land liable to the entry of any other person. Every chief surveyor shall proceed with all practicable dispatch to survey all lands entered for in his office, and shall, if the party live within his county, either give him personal notice of the time at which he will attend to make such survey, or shall publish such notice by fixing an advertisement thereof on the door of the court-house of the county, on two several court days; which time, so appointed, shall be at least one month after personal notice given, or after

the last advertisement so published; and if the surveyor shall accordingly attend and the party, or some one for him, shall fail to appear at the time, with proper chain carriers, and a person to mark the lines, if necessary, his entry shall become void, the land thereafter subject to the entry of any other person, and the surveyor shall return him the warrant, which may, notwithstanding, be located anew upon any other waste or unappropriated lands, or again upon the same lands where it hath not in the mean time been entered for by another person. Where the chief surveyor doth not mean to survey himself he shall immediately after the entry made, direct a deputy surveyor to perform the duty, who shall proceed as is before directed in the case of the chief surveyor. The persons employed to carry the chain on any survey shall be sworn by the surveyor, whether principal or deputy, to measure justly and exactly to the best of their abilities, and to deliver a true account thereof to such surveyor, and shall be paid for their trouble by the party for whom the survey is made. The surveyor, at the time of making the survey, shall not leave any open lines, but shall see the same bounded plainly by marked trees, except where a water course or ancient marked line shall be the boundary, and shall make the breadth of each survey at least one third of its length in every part, unless where such breadth shall be restrained on both sides by mountains unfit for cultivation, by water courses, or the bounds of lands before appropriated.— He shall, as soon as it can conveniently be done, and within three months at farthest after making the survey, deliver to his employer or his order, a fair and true plat and certificate of such survey, the quantity contained, the hundred, (where hundreds are established in the county wherein it lies) the courses and descriptions of the several boundaries, natural and artificial, ancient and new, expressing the proper names of such natural boundaries where they have any, and the name of every person whose former lines made a boundary; and also the nature of the warrant and rights on which such survey was made, and shall at the same time re-deliver the said warrant to the party. The said surveyor may nevertheless detain the said certificates and warrants until the payment of his fees. The said plats and certificates shall be examined and tried by

Chain carriers to be sworn.

Surveys to be closed, lines marked, and of proportioned length and breadth.

Exception.

A plat and certificate to be delivered within three months, and warrant re-delivered.

Provided the fees be paid.

The plats, &c. to be examined

and entered in the book of principal surveyor.

Lists of all surveys to be annually returned to the college and clerk of the court.

None to be clerk and surveyor of the same county.

How surveyors may be punished for neglect.

Surveyor's office to be annually inspected.

No plat to be delivered but to the owner within a year; except to a caveat or upon certificate of a caveat entered.

the said principal surveyor whether truly made and legally proportioned as to length and breadth, and shall be entered within three months at farthest, after the survey is made, in a book well bound, to be provided by the court of his county, at the county charges; and he shall, in the month of July every year, return to the president and professors of William and Mary College, and also to the clerk's office of his county court, a true list of all surveys made by him or his deputies in the preceding twelve months, with the names of the persons for whom they were respectively made, and the quantities contained in each, there to be recorded by such clerk; and no person shall hereafter hold the offices of clerk of a county court and surveyor of a county, nor shall a deputy in either office act as deputy or chief in the other. Any surveyor, whether principal or deputy, failing in any of the duties aforesaid, shall be liable to be indicted in the general court and punished by amercement or deprivation of his office, and incapacity to take it again, at the discretion of a jury; and shall moreover be liable to any party injured for all damages he may sustain by such failure. Every county court shall once in every year, and oftener if they see cause, appoint two or more capable persons to examine the books of entries and surveys in possession of their chief surveyor, and to report in what condition and order the same are kept; and on his death or removal shall have power to take the same into their possession, and deliver them to the succeeding chief surveyor.

II. And for preventing hasty and surreptitious grants, and avoiding controversies and expensive law suits: *Be it enacted*, That no surveyor shall, at any time within twelve months after the survey made, issue or deliver any certificate, copy, or plat of land by him surveyed, except only to the person or persons for whom the same was surveyed, or to his, her, or their order, unless a caveat shall have been entered against a grant to the person claiming under such survey, to be proved by an authentic certificate of such caveat from the clerk of the general court produced to the surveyor; and if any surveyor shall presume to issue any certificate, copy or plat as aforesaid, to any other than the person or persons entitled thereto, every surveyor so offending shall forfeit and pay to the party injured, his

or her legal representatives or assigns, thirty pounds for every hundred acres of land contained in the survey whereof a certificate, copy, or plat shall be so issued; or shall be liable to the action of the party injured at the common law for his or her damages, at the election of the party.

Penalty.

III. And for declaring what fees a surveyor shall be entitled to, *Be it enacted*, That every surveyor shall be entitled to receive the following fees, for the services hereinafter mentioned, to be paid by the person employing him, and no other fees whatsoever, that is to say: For every survey by him plainly bounded as the law directs, and for a plat of such survey after the delivery of such plat, where the survey shall not exceed four hundred acres of land, two hundred and fifty pounds of tobacco; for every hundred acres contained in one survey above four hundred, twelve pounds of tobacco; for surveying a lot in a town, twenty pounds of tobacco; and where the surveyor shall be stopped or hindered from finishing a survey by him begun, to be paid by the party who required the survey to be made, one hundred and twenty-five pounds of tobacco; for running a dividing line, one hundred pounds of tobacco; for surveying an acre of land for a mill, fifty pounds of tobacco; for every survey of land formerly patented, and which shall be required to be surveyed, and for a plat thereof delivered as aforesaid, the same fee as for land not before surveyed; and where a survey shall be made of any lands which are to be added to other lands, in an inclusive patent, the surveyor shall not be paid a second fee for the land first surveyed, but shall only receive what the survey of the additional land shall amount to; and where any surveys have been actually made of several parcels of land adjoining and several plats delivered, if the party shall desire one inclusive plat thereof, the surveyor shall make out such plat for fifty pounds of tobacco; for running a dividing line between any county or parish, to be paid by such respective bounties or parishes in proportion to the number of tyables, if ten miles or under, five hundred pounds of tobacco; and for every mile above ten, fifteen pounds of tobacco; for receiving a warrant of survey and giving a receipt therefor, eight pounds of tobacco; for recording a certificate from the commissioners of any district of a claim to land allowed by them, to be paid by the

Surveyor's fees in tobacco.

claimant, eight pounds of tobacco; for making an entry for land or for a copy thereof, eight pounds of tobacco; for a copy of a plat of land or of a certificate of survey twelve pounds of tobacco.

May be discharged in money at a penny half-penny, per pound.

IV. *And be it further enacted*, That all persons who are now chargeable with any surveyor's fees, for services under the act of assembly, intituled, "An act for regulating the fees of the register, of the land-office, and for other purposes," or who shall hereafter become chargeable with any tobacco for any of the services mentioned in this act, shall, at their election, discharge the same either in transfer tobacco notes or in specie at the rate of twelve shillings and six pence for every hundred pounds of gross tobacco.

Table of fees to be set up in office under penalty.

Penalty for overcharging.

V. *And be it further enacted*, That the surveyor of every county shall hereafter cause to be set up in some public place in his office, and there constantly kept, a fair table of his fees hereinbefore mentioned, on pain of forfeiting one hundred pounds; which penalty shall be to the person or persons who shall inform or sue for the same. And if any surveyor who now is or shall hereafter become entitled to fees under this or the said recited act, shall ask or demand of any person whatsoever more than twelve shillings and sixpence per hundred for such tobacco fees, or shall ask or demand larger fees than are allowed by this act, every person so offending shall forfeit and pay ten times the amount of the fees so charged, to the party or parties injured.

Surveyors to be resident in their county under a monthly penalty.

VI. *And be it further enacted*, That every surveyor of lands shall hereafter be resident in the county whereof he is surveyor, during the time he shall continue in office, under the penalty of forfeiting two hundred pounds current money for every month he shall reside out of the same, unless detained by such business as the court of the county shall judge reasonable, one moiety of which shall be to the commonwealth for the better support of this government and the contingent charges thereof, and the other moiety to the informer.

How penalties may be recovered.

Repeal of former acts.

VII. *And be it further enacted*, That all the several penalties and forfeitures by this act laid, given, or inflicted, shall and may be recovered with costs, by action of debt or information, in any court of record within this commonwealth wherein such penalty shall

be cognizable; and that all and every other act and acts, clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

VIII. *And be it further enacted*, That all persons who now are, or hereafter shall be chargeable with any tobacco fees due to clerks, sheriffs, and other public officers, may discharge the same either in tobacco or specie at the rate of twelve shillings and sixpence per hundred, upon the gross tobacco.

Clerks, sheriffs, and other officers tobacco fees, may be paid in money at one penny half penny per pound.

AT A

GENERAL ASSEMBLY

Begun and held at the Public Buildings in the City of Richmond, on Monday the third day of May, in the year of our Lord one thousand seven hundred and eighty-four, and in the eighth year of the commonwealth.

Benjamin
Harrison, esq
governor.

CHAP. I.

See May
1782, ch. 10.

An act for further continuing an act intituled, An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth.

F. WHEREAS the act of assembly, passed in the year one thousand seven hundred and eighty two, intituled, "An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth," which was continued by several subsequent acts, will expire at the end of the present session of assembly, and it is expedient that the same should be further continued;

Act to ascertain losses by depredations of the enemy, further continued.

It Be it therefore enacted, That the act, intituled, "An act to ascertain the losses and injuries sustained from the depredations of the enemy within this commonwealth," shall continue and be in force, from and after the expiration thereof, until the end of the next session of assembly, and no longer.

CHAP. II.

*An act for further continuing an act,
intituled, an act concerning pen-
sioners.*

See October
1782, ch. 21.

Act concern-
ing pension-
ers, further
continued.

I. WHEREAS the act of assembly, passed in the year one thousand seven hundred and eighty-two, intituled, "An act concerning pensioners," which was continued by several subsequent acts, will expire at the end of the present session of assembly, and it is expedient that the same should be further continued;

II. *Be it therefore enacted*, That the act, intituled, "An act concerning pensioners," shall continue and be in force from and after the expiration thereof, until the end of the next session of assembly, and no longer.

CHAP. III.

*An act to confirm to Anne and Mar-
garet Rose their freedom and in-
terest under the will of Walter
Robertson, deceased.*

Anne and
Margaret
Rose, slaves
of Walter
Robertson,
emancipated
and all his es-
tate vested
in them a-
greeably to
his will.

I. WHEREAS Walter Robertson, late of Halifax county, being possessed of a negro woman, named Anne Rose and her child, named Margaret Rose, did, by his last will and testament, direct, that the said Anne Rose, for her long and faithful services, should immediately on his death be put into possession of all his real and personal estate, for the use and benefit of the said Anne and her daughter Margaret, thereby manifesting his intention that they should be no longer subject to bondage. And whereas the said Anne Rose and Margaret Rose have petitioned this assembly that an act may pass for securing to them their freedom, and the enjoyment of the estate left them by the said Walter Robertson;

II. *Be it therefore enacted*, That the said negro woman Anne Rose, and her child Margaret Rose, shall, and they are hereby declared to be free, and may enjoy all such rights, privileges, and immunities, as free negroes or mulattoes by the laws of this country do or may enjoy; and moreover, that the said Anne Rose and Margaret Rose shall, and they are hereby declared to be capable of taking, holding, and disposing of all such estate, real and personal, as the said Walter Robertson, by his will and testament as aforesaid, hath devised or bequeathed to them, or for their use: Saving to all and every other person, his or their heirs, executors and administrators (except those claiming under the said Walter Robertson) any right, title, or claim, they may have to the said negroes, as if this act had never been made.

CHAP. IV.

An act to establish a town on the land of Francis Conway, in the county of King George.

I. WHEREAS it is represented to this present general assembly, that Francis Conway hath laid out ten acres of his land, lying on Rappahannock river, in the county of King George, into half acre lots, with convenient streets; and application being made to establish a town thereon,

Town of
Port Conway, in King
George
county, es-
tablished.

II. *Be it therefore enacted*, That the said lots so laid off (except one already sold by the said Francis Conway, to John Gravett and William Shropshire) shall be, and the same are hereby vested in John Skinner, George Fitzhugh, Alexander Rose, Thomas Berry, and John Berry, gentlemen, trustees, and established a town by the name of Port Conway; the said trustees, or any three of them, shall proceed to sell the said lots at public auction, for the best price that can be had, the time and place of which sale shall be previously advertised for one month in the Virginia Gazette; the purchasers to hold the said lots respectively, subject to the

condition of building on each of the said lots a dwelling house, twenty feet square at least, with a brick chimney, to be finished fit for habitation within three years from the day of sale; and the said trustees, or any three of them, shall, and they are hereby empowered, to convey the said lots to the purchasers thereof in fee simple, subject to the condition aforesaid, and pay the money arising from the sale thereof to the said Francis Conway, or his legal representative; the said trustees, or any three of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the lots, and to establish such rules and orders for the regular building of houses thereon, as to them shall seem best and most convenient; and that in case of the death, removal out of the county, or other legal disability, of any one or more of the said trustees, it shall and may be lawful for the surviving or remaining trustees, to elect and choose so many other persons in the room of those dead or disabled, as shall make up the number; which trustees so elected, shall be vested with the same power and authority as those particularly named in this act. That the purchasers of the lots in the said town, so soon as they shall have built upon and saved the same according to their respective deeds of conveyance, shall then be entitled to, and have and enjoy all the rights, privileges and immunities, which the freeholders and inhabitants of other towns not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said trustees, or the major part of them, may thereupon enter into such lot, and sell the same again, and apply the money for the benefit of the inhabitants of the said town,

CHAP. V.

An act for regulating the appointment of delegates to congress,

**See vol. 9, p.
74, 133, 299,
388, 558 Vol.
10, p. 74, 163.**

1. WHEREAS congress, by their act of November, in the year of our Lord one thousand seven hundred and eighty three, have recommended to the respective states in the union, to pass laws for the purpose of keeping up a full representation in congress, from each state, and it is expedient to revise, amend, and reduce the several acts of assembly respecting the appointment of delegates to congress, into one act;

II. *Be it therefore enacted*, That all and every act or acts, concerning the mode of appointing and manner of supporting delegates to congress from this state, shall be, and the same are hereby repealed.

Former acts, concerning appointment and wages of members of congress repealed

III. *And be it enacted*, That five delegates shall be annually chosen by joint ballot of both houses of assembly, to represent this commonwealth in congress for one year from the first Monday of November next ensuing the date of their appointment, three of whom, at least, shall be constantly attending to discharge the duties of their office, when and where that honorable body shall be sitting. That so soon as such election shall be made, the clerk of the house of delegates shall notify the same to his excellency the governor, who shall thereupon cause a credential to be made out, the seal of the commonwealth affixed thereto, signed by him and delivered to each delegate; which credential shall be in the words following, to wit: "Virginia solicit. The general assembly of this commonwealth, on the day of , one thousand seven hundred and , by joint ballot of both houses, elected esquire, a delegate to serve in congress for one year, to commence from the first Monday in November next ensuing the date of his appointment. Given under my hand and the seal of the commonwealth, this day of one thousand seven hundred and ."

Five delegates to congress, to be annually chosen

Three constantly to attend.

Credentials:

IV. *And be it further enacted*, That in case of the death, resignation, or removal from office of any delegate to congress, the person who shall be elected to supply the vacancy occasioned by such death, resigna-

**Those elect-
ed to supply
vacancies,
how long to
serve,**

tion, or removal from office, shall serve only for the period which such delegate would have served in case such death, resignation, or removal from office had not happened; and the credential to be given by the governor as aforesaid, shall be varied accordingly.— And for the support of the delegates elected in manner aforesaid,

Wages. V. *Be it enacted*, That the treasurer, from and after the first Monday in November next, shall, in quarterly payments, pay to each delegate out of the fund appropriated to the civil department, or any other fund hereafter to be assigned for that purpose, the sum of eight dollars per diem, for every day in which he shall be attending on, travelling to, or returning from, congress. Nothing in this act shall extend to the delegates at present representing this state in congress, who shall continue to act and receive the same allowances as they would have done; and the vacancies that have already happened, or may happen before the first Monday in November next, shall be supplied in the same manner as if this act had never been made.

CHAP. VI.

An act for dividing the county of Monongalia.

Monongalia county divided, and Harrison formed.

Boundaries.

I. *BE it enacted by the General Assembly*, That from and after the twentieth day of July next, the county of Monongalia shall be divided into two distinct counties, by a line to begin on the Maryland line, at the fork ford on the land of John Goff, thence a direct course to the head waters of Big Sandy creek, thence down the said creek to Tyger's valley fork of Monongalia river, thence down the same to the mouth of the west fork river, thence up the same to the mouth of Biggerman's creek, thence up the said creek to the line of Ohio county; and that part of the said county lying south of the said line, shall be called and known by the name of Harrison, and all the residue of the

said county shall retain the name of Monongalia; that a court for the said county of Harrison, shall be held by the justices thereof on the third Tuesday in every month, after such division shall take place, in such manner as is provided by law for other counties, and shall be by their commissions directed; that the justices to be named in the commission of the peace for the said county of Harrison, shall meet at the house of George Jackson, at Bush's Old Fort, on Buchanan river, in the said county, upon the first court-day after the said division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of, the sheriff according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof, as the situation and convenience will admit of; and thenceforth the said court, shall proceed to erect the necessary public buildings at such place; and until such buildings be completed, to appoint any place for holding courts as they shall think proper. *Provided always*, That the appointment of a place for holding courts, and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such cases the appointment shall be postponed until some court day, when a majority shall be present; that the governor, with advice of the council, shall appoint a person to be first sheriff of the said county, who shall continue in office during the term, and upon the same conditions, as is by law appointed for other sheriffs.

II. *Provided always, and be it further enacted*, That it shall be lawful for the sheriff of the said county of Monongalia, to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants thereof, at the time such division shall take place, and shall be accountable for the same in like manner, as if this act had not been made; and that the court of the said county of Monongalia, shall have jurisdiction of all actions and suits in law or equity, which shall be depending before them at the time of the said division, and shall try and determine the same, and issue process and award execution thereon.

III. *And be it further enacted, That the court of the said county of Monongalia, shall account for and pay to the court of the said county of Harrison, all such sums of money as shall or may be paid by the inhabitants of the said county of Harrison, towards defraying the expence of erecting a courthouse and other public buildings in the said county of Monongalia. That in all elections of a senator, the said county of Harrison shall be of the same district with the said county of Monongalia.*

CHAP. VII.

See October
1782, ch. 8,
sec. 4.

An act to suspend in part the operation of an act, intituled, An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act, for a limited time.

I. WHEREAS the present circumstances of the good people of this commonwealth render it necessary that a temporary indulgence should be extended to them in the payment of certain taxes, becoming due in the year one thousand seven hundred and eighty-four:

Collection
of taxes sus-
pended.

II. *Be it therefore enacted by the General Assembly, That the operation of so much of an act, intituled, "An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act," as authorizes the several sheriffs and collectors within this commonwealth to make distress for the taxes imposed by the said act, on the first day of June in the present year, shall be suspended until the last day of January next; and the sheriffs and collectors aforesaid, shall pay into the public treasury, the amount of the said taxes, on or before the twenty-fifth day of March next;*

any thing in the said recited act to the contrary notwithstanding.

III. *Provided always, and be it further enacted*, That nothing herein contained shall extend to prohibit the several sheriffs or collectors from making distress for all arrearages of taxes which they were by law authorized to distrain for before the said first day of June, but the same shall be collected and paid into the public treasury, in like manner as if this act had never been made.

CHAP. VIII.

An act for establishing a town on the lands of Catesby Jones, in the county of Westmoreland.

I. *BE it enacted by the General Assembly*, That fifteen acres of land, the property of Catesby Jones, lying on the river Yeocomico, in the county of Westmoreland, be, and the same is hereby vested in John Turberville, Fleet Cox, Richard Lee, Walter Jones, Richard Buckner, John Gordon, and Hudson Muse, gentlemen, trustees, to be by them, or any four of them, laid out into lots of half an acre each, with convenient streets, which shall be, and the same is hereby established a town by the name of Kinsale; that so soon as the said fifteen acres of land shall be so laid off into lots and streets, the said trustees, or any four of them, shall proceed to sell the said lots at public auction, for the best price that can be had, the time and place of which shall be previously advertised for two months in the Virginia Gazette; the purchasers to hold the said lots respectively, subject to the condition of building on each of the said lots a dwelling house sixteen feet square at least, with a brick or stone chimney, to be finished fit for habitation within three years from the day of sale; and the said trustees or any four of them, shall, and they are hereby empowered, to convey the said lots to the purchasers thereof in fee simple, sub-

Town of Kinsale, in Westmoreland county, established.

ject to the condition aforesaid, and pay the money arising from the sale thereof to the said Catesby Jones, his heirs, executors, administrators or assigns. The said trustees, or any four of them, shall have power from time to time to settle and determine all disputes concerning the bounds of the said lots, and to settle such rules and orders for the regular building of houses thereon as to them shall seem best and most convenient; and in case of the death, removal out of the county, or other legal disability, of any of the said trustees, it shall be lawful for the other trustees to elect and choose so many other persons, in the room of those dead, removed, or disabled, as shall make up the number; which trustees, so chosen, shall be to all intents and purposes, vested with the same powers as those particularly named in this act. The purchasers of the lots in the said town, so soon as they shall have built upon and saved the same according to the conditions of their respective deeds, shall be entitled to, and have and enjoy, all the rights, privileges, and immunities, which the freeholders and inhabitants of other towns in this state, not incorporated, hold and enjoy. If the purchaser of any lot shall fail to build thereon within the time before limited, the said trustees, or the major part of them, may thereupon enter into such lot, and sell the same again, and apply the money towards repairing the streets, or in any other way for the benefit of the said town.

CHAP. IX.

*An act for establishing a new ferry,
and discontinuing the ferry estab-
lished from the lands of Jesse Shel-
ton to Urbanna.*

Chowning's
ferry, over
Rappahan-
nock to Ur-
banna, esta-
1. *BE it enacted by the General Assembly, That*
a ferry be constantly kept from the lands of John
Chowning, in the county of Lancaster, over Rappa-
hannock river to Urbanna, and the rates for passing

the same as followeth: For a man, two shillings; and for a horse, the same. And for the transportation of wheel carriages, tobacco, cattle, and other beasts at the place aforesaid, the ferry-keeper may demand and take the following rates, to wit: For every coach, chariot, or waggon, and the driver thereof, the same as for six horses; for every cart or four wheel chaise and the driver, the same as for four horses; for every two wheel chaise or chair, as for two horses; for every hogshead of tobacco, as for one horse; for every head of neat cattle, as for one horse; for every sheep, goat, or lamb, one-fifth part of the ferriage for one horse; and for every hog, one fifth part of the ferriage for one horse, and no more. If the ferry-keeper shall demand or receive from any person or persons whatsoever, any greater rates than is hereby allowed, for the carriage or ferriage of any thing, he shall for every such offence, forfeit and pay to the party grieved the ferriages demanded or received, and ten shillings; to be recovered with costs, before a justice of the peace of the county where the offence shall be committed.

II. *And be it further enacted*, That the ferry heretofore established from the land of Jesse Shelton, to Urbanna, shall be henceforth discontinued.

blished, and Shelton's ferry discontinued.

CHAP. X.

An act to amend an act For establishing a land-office, and ascertaining the terms & manner of granting waste and unappropriated lands.

See May, 1779, ch. 13.

See vol. 10 pa. 61.

I. WHEREAS by an act, intituled, "An act for establishing a land-office, and ascertaining the terms and manner of granting waste and unappropriated lands," it was enacted, that any person possessing high lands, to which any swamp, marshes, or sunken grounds are contiguous, shall have the pre-emption of such swamps, marshes, or sunken grounds, for one year from and after the passing of the said recited act; and if such person shall not obtain a grant for such

So much of act for establishing land-office, as gives proprietors of high lands, to which swamps, marshes, and sunken

grounds, contiguous, a preemption thereon, for one year only, repealed, swamps, marshes, or sunken grounds, within the said year, then any other person may enter on, and obtain a grant for the same, in like manner as is directed in the case of other unappropriated lands. And great inconvenience will arise to the proprietors of high lands adjacent to such swamps, marshes, or sunken grounds, for the want of a due promulgation of the said recited act;

II. *Be it therefore enacted*, That so much of the said act as is recited above, shall be, and the same is hereby repealed. And for preventing a multiplicity of law suits which may arise out of the said recited clause in the act aforesaid,

All entries for such declared void.

III. *Be it further enacted*, That all and every entry or entries that may have been made by any person whatsoever for such swamps, marshes, or sunken grounds, shall be, and the same are hereby declared null and void.

Preemptions extended.

IV. *And be it further enacted*, That the proprietor of high lands, to which any such swamps, marshes, or sunken grounds are contiguous, shall have a right of pre-emption to enter for and complete their title thereto, until the first day of May, one thousand seven hundred and eighty six, and no longer; after which it shall and may be lawful for any other person or persons to enter for, survey, and obtain grants for the same: Saving to persons beyond sea, feme covert, infants, and persons under other legal disabilities, the term of three years after their respective disabilities shall be removed.

Patents to be obtained for sunken grounds, as for surplus lands.

V. *And be it further enacted*, That patents shall be obtained upon entries for all vacant sunken grounds aforesaid, in the same manner and upon the same terms as upon surplus lands. And whereas the register of the land-office is restrained from receiving surveys, unless the warrant under which each survey is made is also therewith returned, which in many cases is productive of great inconvenience, and the register by having in his office a list of warrants is possessed of a sufficient check to prevent imposition herein;

Register may receive surveys, altho' warrant not returned.

VI. *Be it therefore enacted*, That the said register may henceforth receive into his office, any survey certified by a sworn surveyor, which corresponds with the warrant it refers to, although the said warrant under

which the said survey is made shall not be returned into his office.

VII. *And be it further enacted*, That the sheriffs of the several counties within this commonwealth, shall immediately after receiving this act, read the same at the court-house door of their respective counties for two several court days.

How this act promulgated.

CHAP. XI.

An act of indemnity to certain persons.

I. *BE it enacted by the General Assembly*, That all and every person or persons who either directly or indirectly committed any insult or injury against the person of a certain Joseph Williamson, on the tenth day of October, in the year one thousand seven hundred and eighty three, or breach of the peace on that occasion, and which was previous to the ratification of the definitive treaty between Great Britain and America, shall be, and they are hereby respectively indemnified for the same, and shall be exonerated and discharged of and from any fines, penalties, or forfeitures, which they might have incurred thereby.

CHAP. XII.

An act to amend an act, intituled, an act for establishing the town of Martinsburg, in the county of Berkeley, and for other purposes.

I. WHEREAS by an act of assembly, passed at the October session, of the year one thousand seven hundred seventy-eight, "Establishing the town of Martinsburg, in the county of Berkeley, and for other purposes," the trustees therein mentioned were empowered and required to convey by good and sufficient deeds, all lots that shall or may be purchased after the passing the said recited act. And whereas it is represented to the present assembly, that general Adam Stephen, on whose land the said town was established, has proceeded to sell and convey a great number of the lots to different purchasers, which said deeds are insufficient to secure the title of the purchasers to the said lots: For remedy whereof,

Title to lots in town of Martinsburg, conveyed by Adam Stephen, the original proprietor, as valid as if conveyed by the trustees.

II. *Be it enacted*, That all deeds which the said Adam Stephen hath executed for conveying any of the said lots to the purchasers thereof, shall be, and they are hereby declared as valid and effectual, to all intents and purposes, as if the conveyances had been made by the said trustees.

CHAP. XIII.

An act for imposing an additional duty of one and an half per. centum on certain goods, wares, and merchandizes.

Preamble. I. WHEREAS an act of the last session of assembly authorized and empowered the United States in congress assembled, to impose certain duties on the imports of this state, which act is not to be enforced until all the states in the union shall have passed laws similar

thereto, and in the mean time the revenues of this commonwealth will be considerably increased, by imposing certain duties, in addition to those now in force, on the articles of merchandize imported into the same:

II. *Be it therefore enacted*, That from and after the first day of August next, there shall be paid to the collector of duties at the port or ports established or to be established, an additional duty of one and a half per centum ad valorem, on all goods, wares, and merchandizes, which are now subject to a duty of one per cent. by virtue of an act of the October session of the general assembly, in the year one thousand seven hundred and eighty two, intituled, "An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act;" which said duty of one and an half per cent. shall be paid by the owner or importer of any such goods, wares, and merchandizes, and shall be collected and accounted for under the same regulations and penalties as are provided by the said recited act for the one per cent. aforesaid.

Additional
duty laid on
certain goods

III. *And be it further enacted*, That the monies arising from such additional duty, shall be appropriated in the first place to the payment of the wages of the delegates representing this state in congress, and the remainder thereof towards the quotas which have been or may be required by congress from this state. *Provided nevertheless*, That the said duty of one and an half per cent. shall cease to be in force, so soon as the impost recommended by congress shall be agreed to by all the states in the union; any thing herein contained to the contrary notwithstanding.

Appropriation
of duty.

CHAP. XIV.

An act to revive and amend in part an act, intituled, An act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes.

Further time allowed to return plats and certificates of survey to the land office.

I. WHEREAS an act passed in the May session, one thousand seven hundred and eighty-three, intituled, "An act for giving further time to enter certificates for settlement rights, and to locate warrants upon pre-emption rights, and for other purposes," expired, in part, on the first day of June in the present year, and it is necessary that the same should be revived:

II. *Be it enacted*, That the further time of six months, from and after the said first day of June, be allowed for returning all plats and certificates of survey which have not been returned to the register's office within the time limited by law.

III. *And be it further enacted*, That the register of the land office, or his deputy, shall be obliged to receive such plats and certificates of survey; and the lands shall not be liable to forfeiture on account of such failure.

CHAP. XV.

See vol. 16,
pa. 506.

An act to suspend the distress for the one per cent. tax on land for a limited time.

Distress for
land tax sus-
pended.

I. WHEREAS by an act of assembly, passed in the October session, in the year one thousand seven hundred and eighty-one, intituled "An act for ascertaining certain taxes and duties, and for establishing a permanent revenue," the several sheriffs and collectors of taxes within this commonwealth, are empowered to dis-

train for the payment of the tax of one per centum, ad valorem, on all lands and lots on the first day of July annually, and it hath become necessary to postpone the collection thereof;

II. *Be it therefore enacted*, That the operation of so much of the said recited act, as empowers the several sheriffs and collectors to distrain for the said one per centum on the first day of July in the present year, shall be, and the same is hereby suspended until the tenth day of October next. And the several sheriffs and collectors of taxes within this commonwealth, shall then collect, and may distrain for the aforesaid tax of one per centum of the valuation of lands and lots, agreeable to the act for equalizing the land tax, and shall account for and pay the same into the treasury, on or before the tenth day of November next. And if the several sheriffs and collectors shall fail to make payment into the treasury, on or before the said tenth day of November, it shall be lawful for the solicitor general, or other officer legally authorized, to obtain judgment, upon motion for the same, at any succeeding court of oyer and terminer or general court, provided the party against whom such motion is made hath ten days previous notice thereof. And in all other cases respecting the collection of the said one per centum, the proceedings shall be the same, and the same penalties, forfeitures, and damages, shall be paid by the delinquents as directed by the act, intituled, "An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act."

CHAP. XVI.

An act to levy certain taxes in aid of the public revenue, and to apply the same in payment of the debts due foreign creditors.

I. WHEREAS the several taxes heretofore imposed, have been found inadequate to the support of gov- New Taxes.
 VOL. XI. X 2

ernment and the payment of the public debts, and it hath become necessary to make further provision for those purposes, in a manner least burthensome to the citizens;

11. *Be it therefore enacted*, That the following taxes shall be paid, viz. On each original writ or subpoena issued from the general court or high court of chancery, the sum of six shillings; on each original citation from the court of admiralty, six shillings; on each original writ or subpoena in chancery issued from any county court or court of hustings, three shillings; on each appeal to the court of appeals, twelve shillings; on each writ of error, supersedeas and certiorari, issued from the general court or high court of chancery, six shillings; on each writ of habeas corpus, cum causa, six shillings; on each appeal from any county court or court of hustings, six shillings; on each recognizance of special bail entered, or bail bond or bail piece, returnable into the general court, three shillings; on each recognizance of special bail entered, or bail bond or bail piece, returnable into any county court or court of hustings, one shilling and six pence; on each final judgment or decree in any court concerning lands, slaves, or vessels, twelve shillings; on each final judgment or decree in any court for a determinate sum of money, at the rate of two shillings and six pence for every hundred pounds; on each final judgment or decree concerning any other property, three shillings; on each deed recorded concerning any improved lot or lots in any city or incorporated town, for each lot twelve shillings; on each deed recorded concerning any unimproved lot or lots in such city or town, for each lot six shillings; on each deed recorded concerning any improved lot or lots in any unincorporated town, for each lot six shillings; on each deed recorded concerning any unimproved lot or lots in any unincorporated town, for each lot three shillings; on each deed recorded concerning other lands, for each hundred acres three shillings; on each other deed recorded, three shillings; on each probate of wills, or grant of administration, where lands or slaves are concerned, six shillings; on each certificate under the seal of any county or corporation, six shillings; on each admission of attorneys to practice in the superior courts, fifteen pounds; on each licence of attorneys to practice in inferior courts, five pounds;

Tax on law
process, ap-
peals, &c.

On recogni-
zance of spe-
cial bail.

On judg-
ments or de-
crees.

On deeds re-
corded.

On probats of
wills, or gran-
ting adminis-
trations.

On seals of
court.

On admission
of attorneys.

which several sums shall be paid to the clerks of the respective courts from whence such process shall issue, or judgments or decrees shall be entered, or to whom such bail bonds or bail piece shall be returned as aforesaid, or where such deeds shall be recorded, or other proceedings had. And the said clerks shall be allowed for collecting, accounting for, and paying the said taxes imposed by this act, into the treasury of the commonwealth, the sum of five per centum on the money so collected by them, or any of them; and they hereby required to account for and pay into the treasury aforesaid, every half year, to wit, on the tenth day of April and the tenth day of October in every year, or within ten days afterwards, all the money received by them respectively on public account pursuant to this act, upon pain of forfeiting all their commissions, to be carried to the credit of the public treasury, and of being suspended from their said office of clerk until such payment be made.

III. *And be it further enacted*, That there shall be paid two shillings and six pence for every transfer of a surveyor's certificate for land, to be paid to the register of the land-office before the issuing of the patent; and six shillings on each certificate under the seal of this commonwealth, to be paid to the clerk of the council for the time being; which last mentioned taxes shall be accounted for and paid in like manner, and with the like commission for collecting, as is directed in the case of other taxes by this act imposed.

On transfer, of
surveyor's
certificate for
land.

On seal of
state.

IV. *And be it further enacted*, That the money hereby directed to be collected and paid, shall by the treasurer of this commonwealth be applied to the payment of liquidated debts due from this commonwealth to foreign creditors. This act shall commence and be in force from and after the first day of September next.

Appropriation of taxes,

CHAP. XVII.

See May 1783
ch. 8, sec. 13.

An act to amend an act, intituled, An act to establish certain and adequate funds for the redemption of certificates granted to the officers and soldiers for their arrears of pay and depreciation.

Funds for
payment of
certificates &
interest war-
rants, appor-
tioned among
holders.

I. WHEREAS difficulties have arisen in carrying into execution so much of an act, intituled, "An act to establish certain and adequate funds for the redemption of certificates granted to the officers and soldiers for their arrears of pay and depreciation," as respects the distribution of the money collected by virtue of the said act, amongst the holders of the said certificates, or the warrants granted for interest arising on the same: For remedy whereof,

II. *Be it enacted*, That the treasurer shall once at least in every twelve months, and not oftener than once in every three months, proportion the money in his hands appropriated by law for the redemption of the aforesaid certificates and warrants, amongst the holders of the warrants for interest on the said certificates. And to the intent that the said proportion may be properly ascertained, the treasurer shall cause notice to be given in the public Gazettes that such payment will be made to the holders of the said warrants who shall apply at the treasury for the same before a certain day to be named in the said notice; which day so appointed for payment, shall not be in less than forty nor more than sixty days after such publication in the Gazettes. And the treasurer, on the day so appointed for payment, shall proportion and pay the aforesaid money in his hands amongst the holders of the aforesaid interest warrants, who shall have made application to him for the same between the day of publication aforesaid and the day preceeding that appointed for such payment; and if any overplus shall remain after making payment of the interest warrants aforesaid, the same shall be applied in fair and equal proportion towards the pay-

Treasurer to
advertise.

ment of the principal of the certificates aforesaid. *Pro- Proviso.*
vided always, That such payment shall not annually
 exceed one-eighth of the amount of such certificates,
 noting on such certificates the sums so respectively
 paid. And should it at any time so happen that by
 means of a deficiency of money in the hands of the
 treasurer, a partial payment shall be made of any in-
 terest warrant, such partial payment shall in like man-
 ner be noted on such warrant.

Treasurer to
 endorse pay-
 ments,

III. *And be it further enacted,* That if the holders of
 any of the said interest warrants shall fail to apply for
 their proportion of the same at any period appointed by
 the treasurer for that purpose, it shall and may be lawful
 for the treasurer on future application for payment, to
 pay such sum or sums of money to the holders of such
 warrants tendered to him, as will put them on the same
 footing with those who have received payment at any
 former time which may have been appointed for such
 apportionment, reserving always a sufficient sum to pay
 those who have applied within the time appointed by
 public notification as aforesaid.

Holders to
 receive in e-
 qual propor-
 tions, altho'
 some may not
 have applied
 for payment,
 within the
 time adverti-
 sed.

CHAP. XVIII.

An act concerning the goal in the ci- ty of Williamsburg.

1. *BE it enacted by the General Assembly,* That all
 persons taken on civil or criminal process in the county
 of James City, may be committed to the public goal in
 the city of Williamsburg, in like manner as if the same
 was within the limits of the said county.

Persons ta-
 ken in civil or
 criminal pro-
 cess in James
 City may be
 committed to
 the public jail
 in Williams-
 burg.

An act for incorporating the town of Petersburg, and for other purposes.

Towns of Blandford, Pocahuntas, and Ravenscroft, united, and stiled town of Petersburg.

• Boundaries.

Annual elections.

I. *BE it enacted by the General Assembly, That* the towns of Petersburg, Blandford, Pocahuntas, and Ravenscroft, shall henceforth be united and stiled the town of Petersburg, and bounded as followeth, to wit: Beginning at the mouth of Poor creek, on Appamattox river; thence south eighteen degrees east two hundred and five pole to the north-east corner of the churchyard wall; thence along the said wall to the south-east corner; thence along the front wall to the south-west corner; thence west two hundred and sixty two pole to a pine tree north of the oaks in or near the line between Robert Bolling and John Tabb; thence south sixteen degrees east two hundred & twenty seven pole; thence south seventy seven degrees west two hundred pole to the line of Joseph Jones; thence along his line and the line of Halcot Pride, north eighteen degree west two hundred and sixty-one pole, to the north side of the road that runs on the south side of Pride's race ground; thence along the said road to the west end of Banister's lane, where it corners above his dwelling-house; thence due north to Appamattox river; thence down the north bank of the said river until it strikes the west boundary of Pocahuntas; thence along the west and north boundary thereof to Charles Duncan's neck; thence along the north side of the high land in the said neck, until it comes opposite to the mouth of Poor creek; thence a direct line to the beginning. And on the first Wednesday in September, in the present, and on the same day in every year afterwards, the freeholders of lots within the said town, whether improved or not, and whether such freeholders reside therein or not, and the house-keepers and inhabitants of the said town, who shall have resided therein at any time for the space of three months; without the intermission of one twelve months, and possess in their own right within the same moveable or immoveable property to the value of fifty pounds, shall meet at the house of William Durell, or at such other place as shall by a bye law be hereafter

appointed, and shall then and there elect by ballot, twelve fit and able men, being freeholders and inhabitants of the said town, who, or a major part thereof, shall, on the same or second day thereafter, between the hours of eight and twelve in the forenoon, publicly elect by ballot from among themselves, one person to act as mayor, another as recorder, and four others as aldermen, of the said town, and the other six of whom shall be common council. The services of the persons at any time elected, mayor, recorder, aldermen, or of the common council, shall not be continued longer than until other persons shall have been elected to those offices respectively, or than the expiration of the second day immediately following the said first Wednesday in September in every year, as the case may be, but they may nevertheless be re-elected, except that no person shall be capable of acting as mayor more than once in any term of three years; vacancies occasioned by death, disability, or resignation, at any time before the annual election, shall be supplied by the choice of the mayor, recorder, aldermen, and common council, in common hall assembled; that is to say, a vacancy in the office of mayor or recorder, shall be supplied out of the aldermen; a vacancy in the office of alderman, out of the common council; and a vacancy in the common council, out of the freeholders and inhabitants of the said town. The mayor, recorder, and aldermen, to be elected for this present year, shall not enter upon the execution of their office, before they shall respectively take an oath or affirmation before some justice of the peace for the county of Dinwiddie, for the faithful discharge of the duties thereof; and the mayor, recorder, and aldermen, to be elected afterwards, shall take such oath or affirmation before they respectively enter upon the duties of their office, in presence of the court of hustings, or of some meeting of the common council hereafter mentioned.

Mayor, recorder, alderman, & common council, how chosen.

Term of service.

Vacancies, how supplied

Oath of office

II. *And be it enacted*, That the said freeholders, house-keepers, and inhabitants, and those persons who shall hereafter become freeholders, house-keepers, or inhabitants as aforesaid, shall be a body politic and corporate, by the name of the mayor, aldermen, and commonalty, of the town of Petersburg; and by that name have perpetual succession and common seal.— They and their successors, by the name aforesaid,

Incorporated

Style of corporation.

Corporate
powers.

shall be able and capable in law to have, purchase, receive, enjoy, possess, and retain to them and their successors for ever, any lands, rents, tenements, hereditaments, of what kind, nature, or quality soever; and also to sell, grant, demise, alien, or dispose of the same; and by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts and places; and from time to time under their common seal, to make and establish such bye-laws, rules, and ordinances, not contrary to the constitution or laws of the commonwealth, as shall by them be thought necessary for the good ordering and government of such persons as shall from time to time reside within the limits of the said town, or shall be concerned in interest therein. That they and their successors, by

Power to erect public
buildings,
market-
house, &c.

the name aforesaid, shall especially have power to rent, erect, or repair work-houses, houses of correction, a court-house, prison, market-house, and hospitals, for the reception of persons infected with contagious disorders, and other public buildings for the benefit of the said town; to pay the charges of removing such infected persons to the hospital, to provide doctors, nurses, and other necessary attendants, as well as guards, to prevent the spreading of such disorders; to purchase fire engines, to hire proper fire-men to keep such engines at all times in good order, and to be ready for service; to cause wells to be sunk, and pumps provided; to appoint and pay watchmen; and to repair and keep in order the streets and lands in the said town; and to impose taxes on the white and black

To provide
against fire,
regulate in-
ternal police,
&c.

To impose
taxes.

male tithables, and on the property real and personal, within the said town, for the execution of all or any of the powers hereby given them, taking care however, that no more than one third of the sum to be levied, shall be levied on the tithables aforesaid; to make provision and regulations for collecting and accounting for the taxes raised, by the appointing a collector, or directing distress to be made for delinquencies, or by any other ways or means; to erect wharfs, and to lay a reasonable duty on the vessels coming to and using the same, for the purpose of defraying the expence of erecting and keeping in repair the wharfs so erected; and to hold two fairs in each year, to wit, one on the second Thursday in October, and the other on the second Thursday in May; to fix fines upon every billiard

Fairs.

table and tipping house, booth or tent, within the jurisdiction of the corporation; and to demand reasonable fees for every ordinary licence within the same, over and above those established for raising a revenue; and to expel disorderly persons who shall not have been resident therein for twelve months. That all acts herein directed to be done by the mayor, recorder, aldermen, and common council, shall be done by them when assembled in common hall, when seven members shall be present, of which the mayor, recorder, or eldest alderman, shall be always one. They shall meet upon the summons of such mayor, or in his absence, sickness, or disability, of the recorder; or in the absence, sickness, or disability of both mayor and recorder, then of the eldest alderman.

Fines on licensed tables, tipping houses, &c.

Tax on ordinary licences

Common Hall, how constituted, and convened; its powers.

III. *And be it enacted*, That the mayor, recorder, and aldermen, or any four or more of them, shall have power to hold a court of hustings on the first Wednesday in every month. The jurisdiction of such court shall relate to those cases which originate within the limits of the said town, and shall be the same as the jurisdiction of the county court as established by the act of the general assembly, intituled, "An act for establishing county courts, and regulating the proceeding therein," except in the following instances, the said court shall not hear and determine any penal case, unless it be for a breach of laws of the corporation, the penalty whereof does not exceed forty shillings, or two hundred pounds of crop tobacco; nor of any action beyond the value of ten pounds, or one thousand pounds weight of crop tobacco, unless it be in ejectment. The said court shall have the further power of examining and trying criminals for all offences committed within the limits of the said corporation, either at their monthly sessions or in the vacation, in the same manner as the county courts can or may do by law. The said court shall have the sole power of licensing tavern-keepers, and settling their rates; appointing a clerk of the market; establishing an assize of bread, wine, wood, coal, and other things; and also appointing a serjeant, who shall have the power of a sheriff; constables, and other necessary officers of the court, and surveyors of the streets; and any other officers, not specially directed in this act to be appointed by any other power. The same fees shall be

Court of hustings—jurisdiction.

Criminal cases.

Exclusive power of licensing tavern-keepers and fixing their rates; appointing clerk of the market; establishing assize of bread, &c. appointing constables.

serjeant,
surveyors of
streets, &c.

Fees of off-
cers.

Oath of office

Bond by ser-
jeant.

Mayor, re-
corder and
aldermen,
same powers
as justices of
the peace.

How remov-
able from of-
fice.

Court of Hus-
tings, a court
of record.

Rules in pro-
bate of wills,
and granting
administra-
tions.

Restriction as
to deeds.

Ordinary
keepers, in-
eligible as
mayor, re-
corder, etc

Court of hus-
tings of Wil-
liamsburg
and Norfolk,
constituted
courts of re-
cord.

allowed to the officers of the court as are by law allowed to the clerk and sheriff of a county, and shall be collected and accounted for in the same manner. No officer of the court shall enter upon his office, until he shall have taken an oath, or affirmation, before the court, for the faithful discharge thereof. The serjeant shall moreover give bond with sufficient security, payable to the mayor, recorder, aldermen, and common council, and their successors, in a reasonable penalty, for the due execution of his office.

IV. *And be it further enacted*, That the mayor, recorder, and aldermen, shall each be vested with the powers of justices of the peace within the said town, for matters arising within the same, according to the laws of this commonwealth. The mayor, recorder, any alderman, or common councilman, may be removed from his office for good cause, and after due summons, by the opinion of seven members of the common hall; and that no bye-law, ordinance, or regulation, shall be binding, unless the same shall have been passed and entered into by the voice of seven members of the common hall. That the court of h Hastings in the said town of Petersburg shall be, and is hereby constituted a court of record, and as such to receive probate of wills and deeds, and grant administrations, in as full and ample manner as the county courts by law can or may do.

V. *Provided always, and be it enacted*, That no will shall be admitted to proof or record in the said court, nor shall the said court grant administration, unless the testator or intestate, as the case may be, was resident within the limits of the jurisdiction of the said court at the time of his or her death; nor shall any deed, whereby lands are conveyed, be admitted to proof or record in the said court, unless such lands lie within the limits as aforesaid. No ordinary-keeper in the town of Petersburg shall be capable of serving as mayor, recorder, alderman, or common councilman, for the said town.

VI. *And be it further enacted*, That the courts of h Hastings in the city of Williamsburg and borough of Norfolk, are hereby constituted courts of record, and may receive probate of wills and deeds, and grant administrations, in the same manner and under the like restrictions as the court of h Hastings in the town of

Petersburg can or may do by this act. The court of hustings in the city of Richmond shall have the same power of examining and trying criminals as the court of hustings for the town of Petersburg. *Provided nevertheless*, That nothing in this act shall extend to give the court of hustings in the said town of Petersburg a jurisdiction in any action or suit whatever, unless the defendant shall reside within the limits thereof.

May receive proof of wills and deeds.

Criminal jurisdiction of hustings of Richmond,

CHAP. XX.

An act altering the time of the annual meeting of the general assembly, and for other purposes.

1. *BE it enacted*, That the sheriffs, under sheriffs, or other officers authorized by law to hold elections of senators and delegates, shall within sixty days after every election for their respective districts, counties, cities, or boroughs, return to the clerk of the house of delegates, and to the clerk of the senate, as the case may require, certificates of such elections under their hands and seals, and shall furnish each delegate and senator with a duplicate thereof. Any sheriff, under sheriff, or other officer, failing to make such return within the time above-mentioned, shall forfeit and pay the sum of fifty pounds; to be recovered by bill, plaint, or information, in any court of record within this commonwealth; one half to the use of the commonwealth, and the other half to the informer.— If any sheriff or deputy sheriff, shall directly or indirectly so interfere in the election of senators or delegates, as to shew partiality for any of the candidates, he shall forfeit and pay the sum of two hundred pounds; to be recovered on bill, plaint, or information, in any court of record; one moiety to the use of the informer, and the other to the use of the commonwealth; and moreover be deprived of his right of voting for two years at any such election thereafter.

Return of election of senators and delegates, when to be made by sheriffs.

Penalty for neglect.

Penalty on sheriff interfering in elections.

Meeting of
general as-
sembly to be
annual.

II. And be it further enacted, That the meeting of the general assembly shall be on the third Monday in October annually, unless convened at some other time by the governor, agreeable to the powers vested in him by the constitution or form of government. So much of an ordinance of convention, intitled, "An ordinance for regulating the election of delegates, and ascertaining their allowances, and also for regulating the election of committee men in the several counties and corporations within this colony, and for other purposes," as comes within the purview of this act, shall be, and the same is hereby repealed.

CHAP. XXI.

An act to invest the United States in congress assembled, with additional powers for a limited time.

Preamble.

1. WHEREAS the United States in congress assembled, more effectually to preserve the commercial interests thereof, ought to be invested with power for a limited time, to prohibit the importation and exportation of goods, wares, and merchandizes, to and from any of the United States, in vessels not the property of the states, or the subjects of a power who shall have formed a commercial treaty with the same;

Congress empowered to prohibit importation and exportation of goods to or from this state, in vessels belonging to subjects of powers, with whom they have no commercial treaties.

II. Be it enacted, That the United States in congress assembled, shall be, and they are hereby authorized and empowered, to prohibit in any manner they shall think proper, for any term not exceeding fifteen years, the importation and exportation of any goods, wares, or merchandize, to or from this state, in vessels belonging to or navigated by the subjects of any power with whom the United States shall not have formed treaties of commerce; and also for the like term to prohibit the subjects of any foreign state, kingdom, or empire; unless authorized by treaty, from importing into this state,

goods, wares, or merchandise, which are not the produce or manufacture of the dominion of the sovereign whose subjects they are. *Provided*, That to all acts passed by the United States in congress assembled, in pursuance of the above powers, the assent of nine states shall be necessary. This act shall commence and be in force, so soon as each and every state in the union shall pass similar acts. And as soon as the governor of this commonwealth shall be notified that each and every state in the union have passed similar acts, he shall, and he is hereby authorized, to issue his proclamation declaring this act in force.

CHAP. XXII.

An act to exempt Quakers from attending musters.

I. *BE it enacted by the General Assembly*, That all the people called quakers are hereby exempted from attending private or general musters in their respective counties. Quakers exempted from attending musters.

II. *Provided always, and be it further enacted*, That no quaker shall be exempted from appearing at musters as aforesaid, until he shall produce to the lieutenant or commanding officer of the militia of his county, a testimonial or certificate from the monthly meeting to which he belongs, that he is really and bona fide one of the people called quakers, and is acknowledged and received by them as a member of their society. Provided they produce testimonials of their being members of that society. And if at any time any person calling himself a quaker, shall be excommunicated or excluded from the said society, the monthly meeting to which such excluded person did belong, shall within three months after such exclusion, cause the same to be certified to the lieutenant or commanding officer of the militia of the county, and thereupon the person so excluded shall be deprived of the exemption from appearing at musters as aforesaid, and shall be subject to the fines and penalties inflicted by law for not appearing at musters.

CHAP. XXIII.

An act to compel the delinquent counties within this state to pay the one eighth per cent. tax.

Delinquent
counties com-
pelled to pay
the one-
eighth per
cent tax.

I. WHEREAS several counties within this commonwealth, have failed to collect and pay the one-eighth per cent. tax imposed by an act passed in the May session, one thousand seven hundred and eighty-two, intituled, "An act for recruiting this state's quota of troops to serve in the army of the United States," and it is right that such counties should contribute their just proportion thereof:

Mode of col-
lection.

II. *Be it therefore enacted by the General Assembly,* That the lieutenant or commanding officer of the militia of each county, where it has not been already done, shall within ten days after the receipt of this act, which the governor is directed to transmit as soon as possible to every such officer, proceed to divide the militia of his county into classes or districts, observing the same rules, and in like manner, and subject to the same penalties in case of failure, as is directed by the said recited act; and shall appoint a collector to each division, who shall be a freeholder, and thereupon the like proceedings shall be had as in the said act is particularly directed and prescribed, except so much thereof as relates to enlisting and drafting men as soldiers, which is hereby declared to be void. If any lieutenant or commanding officer of the militia, who hath hitherto neglected to divide the militia into classes, shall fail to account for and pay into the public treasury the amount of the tax to be collected within his county, agreeable to the said recited act, on or before the first day of October next, he shall, for such failure, be liable to a judgment for all deficiencies, by motion in the general court, at the instance of the solicitor general, together with costs, and five per centum damages, who is also empowered to award execution for the amount of such judgment; provided such officer have ten days previous notice of such motion.

III. *And be it further enacted,* That the lieutenant or commanding officer of the militia of each county,

where the classes have been allotted, and the tax not fully collected or accounted for by the collector of each class, shall, and they are hereby empowered to proceed to enforce the collection, and accounting for the same in like manner as is directed by the said recited act; and where judgments have heretofore been obtained against any such lieutenant or commanding officer of the militia for the balance due from such county for the aforesaid tax, execution shall be suspended until the first day of October next. *Provided always*, That no such judgment shall run out of date by reason of suspending an execution.

CHAP. XXIV.

An act for reviving the inspection of tobacco at Dymer's ware-houses, and for other purposes.

I. *BE it enacted by the General Assembly*, That Inspection at the inspection of tobacco at Dymer's ware-houses, on Dymer's warehouse, in Dymer's creek, in the county of Lancaster, shall be, Lancaster, revived; and the same is hereby revived; and the said ware-houses and Indian creek shall be under one inspection.

II. And whereas it is represented to this present assembly that the erecting a ware-house for the inspection of tobacco, on the lands of Elizabeth Spencer, Petersburg ware house, Ann Swann Saunders, and Daniel Wooldridge, in the on lands of town of Petersburg, and county of Dinwiddie, will be of Elizabeth public benefit, and the proprietors of the land are willing to build the same: Spencer and others estab-lished.

III. *Be it therefore further enacted*, That an inspection of tobacco shall be, and the same is hereby established at the said place, which shall be called and known by the name of Petersburg; and the transfer notes issued by the inspectors thereof shall be payable for public dues, in the same manner as those of Bol-lingbrook and Davis's. There shall be paid to each of Spectors Salary of in-

the inspectors at Petersburg warehouse the sum of eighty pounds per annum.

Inspection at north & south Wicomico separated from any other

Inspectors salaries there and at Indian creek, & Dymers. At Coan's.

Inspections at college landing and York town.

Inspectors salaries.

IV. *And be it further enacted*, That the inspection of tobacco at north and south Wicomico shall, from and after the first day of October next, be separate and distinct from any other. The inspectors at Indian creek and Dymers, under one inspection, shall be allowed an annual salary of thirty pounds each; the inspectors at north and south Wicomico, under one inspection, forty pounds each; and the inspectors at Coan's, an annual salary of thirty-five pounds each.

V. *And be it further enacted*, That the inspection of tobacco at the college-landing, on James river, and at York town, on York river, shall, from and after the first day of October next, be under separate and distinct inspections; and the inspectors at each of the said inspections shall be allowed an annual salary of twenty-five pounds each.

CHAP. XXV.

An act giving certain lands to Hampden-Sydney college, in the county of Prince Edward.

Certain lands of Spiers and company, escheated to the commonwealth, vested in Hampden-Sydney college.

1. WHEREAS it is represented to this present general assembly, by the president and trustees of Hampden-Sydney college, in the county of Prince Edward, that the very low state of the funds of the said college is likely to produce a dissolution of that seminary, and that there is a tract of land containing four hundred and twelve acres, adjoining the said college, lately belonging to Spiers and company, of Great Britain, but now the property of the commonwealth under the laws of escheat and forfeiture, which would greatly aid the said college if a donation thereof was made by the general assembly. And whereas the interest and happiness of every people, as well as the duration of every free government, greatly depend upon the cultivation of literature;

II. *Be it therefore enacted*, That the said tract of land, containing four hundred and twelve acres, shall be, and the same is hereby vested in the president and trustees of the said college, and their successors, for the use of the said college. And the court of the said county are hereby authorised and required to value the aforesaid land, and make a return of such valuation to the clerk of the general court on or before the first day of December next.

CHAP. XXVI.

An act to appoint commissioners to state and settle the losses sustained by the burning the ware-houses at Rockey Ridge.

I. WHEREAS a considerable quantity of tobacco by the accidental burning of the public ware-houses at Rockey Ridge in the month of March last has been destroyed, the exact quantity of which, and the names of the proprietors, cannot now be ascertained: To the end therefore that it may fully appear to whom the tobacco so destroyed belonged, and that a just account thereof may be stated, and the sufferers receive satisfaction for their several losses;

Commissioners appointed to ascertain losses of tobacco, by the burning of the ware-houses, at Rockey Ridge.

II. *Be it enacted*, That Archibald Cary, Turner Southall, John Harvey, Bernard Markham, Matthew Cheatham, and David Patterson, gentlemen, shall be, and they are hereby constituted and appointed commissioners, for taking, examining, and stating the accounts, claims, and demands, of the proprietors of the tobacco destroyed at the ware-houses aforesaid; and in stating the said accounts, the said commissioners, or any two or more of them, shall, and are hereby directed and required, to distinguish the quantity of crop and of transfer tobacco separately, and to express therein the value thereof in money at the time the same was

destroyed; which accounts the said commissioners, of any two or more of them, shall return under their hands and seals to the next session of assembly.

Mode of proceeding.

III. *And be it further enacted*, That the said commissioners, or any two or more of them respectively, shall, and they are hereby empowered and required, to meet at such time or times, and at such places, as they shall think fit (of which time and place public notice shall be given in the Virginia Gazette at least four weeks before such meeting) and to examine any person or persons they shall think necessary for their information in all things relating to the said accounts, and to administer an oath, or affirmation, as the case shall require, to any person or persons, for the better discovering the true quantity of the tobacco so destroyed.

Oath of commissioners.

IV. *And be it further enacted*, That every of the said commissioners hereby constituted, before he enters upon the execution of this act, shall, before any justice of the peace, take the following oath: "I, A. B. do swear that I will, according to the best of my skill and knowledge, faithfully, impartially, and truly demean myself in taking, examining, and stating the accounts, claims, and demands, of the proprietors of the tobacco destroyed in Rockey Ridge ware-houses, according to the directions of the act of assembly lately made for that purpose." And for establishing funds for reimbursing the proprietors of the said tobacco.

Duty & compensation of inspectors.

V. *Be it enacted*, That the inspectors at the said ware-houses at Rockey Ridge, shall sell at public auction the tobacco which has been or may be saved therefrom, first paying and delivering to the persons who have saved such tobacco, one fourth thereof for their trouble and expenses incurred therein; and shall give fourteen days notice at least of the time and place of such sale, and immediately pay the money arising from such sales to the treasurer of this commonwealth for the purposes aforesaid.

Additional duty on tobacco exported.

VI. *And be it further enacted*, That from and after the first day of October next, an additional duty of three shillings per hogshead, on every hogshead of tobacco passed at and shipped from any public ware-houses within this commonwealth, shall be paid to the inspectors at such ware-houses respectively, for the time being, at the time of delivering out and shipping

the said tobacco for exportation; to be paid and accounted for by the said inspectors, at the same time, and under the like rules and regulations, as is directed in the case of other duties on tobacco. And whereas several hogheads of tobacco were lodged in private store-houses, for want of room in the said ware-houses, which were saved, and ought to be delivered to the owners thereof, but the inspectors books being destroyed, the owners of such tobacco are not known:

VII. *Be it therefore enacted*, That the inspectors at the said ware-houses at Rocky Ridge shall deliver all tobacco coming within the description aforesaid, to those persons who may apply for the same, upon their making oath that such tobacco is their property, and entering into bond with two securities, payable to the said inspectors, in double the quantity of the tobacco so claimed, in order to indemnify them against the claim of all other persons who may set up a right to the tobacco so delivered.

Tobacco lodged in private store-houses, how recovered.

VIII. *And be it further enacted*, That for the ease and convenience of the commissioners in this act mentioned, they are hereby empowered to appoint a clerk, who shall keep a record of their proceedings, to be laid before the next assembly.

CHAP. XXVII.

An act giving Nathaniel Twining the exclusive privilege of conveying persons in a stage coach for a limited time.

I. WHEREAS it is represented to this present general assembly, that Nathaniel Twining hath laid out a considerable sum of money in the purchase of stage coaches and horses, for the purpose of conveying persons and their baggage from Alexandria to Richmond, and from the latter to the former place, which is likely to prove a very great convenience to the citizens of

Nathaniel Twining entitled to exclusive privilege of conveying persons, in stage coaches for 3 years.

the said line and others. And whereas the said Nathaniel Twining hath undertaken to keep up and continue the said line of stages as aforesaid, in a proper and sufficient manner for three years:

II. *Be it therefore enacted*, That the said Nathaniel Twining shall have the sole and exclusive right of conveying persons in a stage coach from Alexandria to the city of Richmond, and from the latter to the former, and to and from any intermediate place, for and during the said term of three years; and shall and may demand and take for each passenger five pence per mile, and five pence per mile for every one hundred and fifty pounds weight of baggage exceeding fourteen pounds, conveyed in the stage coach. If the said Nathaniel Twining, by himself, or by another, shall demand or receive any greater rates than are hereby allowed, he shall forfeit and pay double the sum demanded or received; to be recovered with costs, by summons and petition in the court of the county where the offence shall be committed; and if under twenty five shillings, before any justice of the peace of the county where such demand or receipt of the money shall be; to the use of the party grieved. Should any person, other than the said Nathaniel Twining, his agents or servants, demand or take, directly or indirectly, any fee or reward whatsoever for conveying any person or persons in a stage coach to or from either of the aforesaid places, or to or from any intermediate place, during the term aforesaid, he or they shall forfeit and pay for every person so conveyed, the sum of one hundred pounds; to be recovered with costs, by action of debt, bill, plaint, or information, in any court of record, to the use of the person who will sue for the same. The said Nathaniel Twining shall, on or before the first day of September next, enter into bond with sufficient security, in the general court, or the court of the county of Henrico or Fairfax, in the sum of one thousand pounds, payable to the governor and his successors, for the use of the commonwealth, with condition for the due and faithful keeping up the said line of stages for and during the term aforesaid.

Rates.

Penalty for exceeding legal rates.

Penalty on any other person, for violating his privilege.

Bond and security.

CHAP. XXVIII.

An act to revive an act, intituled, An act, for calling in and funding the paper money of this state.

I. WHEREAS it is found necessary and expedient that a farther time should be given to the holders of paper money for the purpose of funding the same: Act for calling in and funding paper money. ✓

II. *Be it therefore enacted*, That the act intituled, "An act for calling in and funding the paper money of this state," which hath expired, shall be, and the same is hereby revived; and shall continue to be in force, from and after the passing of this act, for and during the term of four months, and from thence to the end of the next session of assembly. *Provided nevertheless*, That nothing herein contained shall extend to so much of the aforesaid act as respects the purchase of warrants for unappropriated lands. revived and continued. Except as to purchases of land warrants with paper money.

CHAP. XXIX.

An act for the better support of the supreme court in the Kentucky district.

I. WHEREAS the tax imposed on process issued out of the supreme court for the district of Kentucky, is found to be burthensome to suitors, and inadequate to the end proposed: Provision for better support of the supreme court, in Kentucky district.

II. *Be it enacted*, That there shall hereafter be paid upon such process, the same taxes as shall be payable upon the like process in the general court, and no more. Tax on law process same as in general court.

III. *And be it further enacted*, That the said taxes, as well as those upon marriage and ordinary licences granted in the said district, all fines imposed, or which Certain taxes fines and duties appropriated.

shall be hereafter imposed by the several courts within the same, and all duties now payable, or which shall hereafter be payable, upon goods, wares, and merchandize, or other articles, on the importation thereof into the said district, shall be appropriated to the payment of the salaries of the judges and officers of the said court, and the other necessary expences attending the same. And for the better collection of the said duties within the district.

Naval officers
for Kentucky
district.

IV. *Be it enacted*, That there shall be two naval officers or collectors for the said district appointed, commissioned, and qualified, in the same manner, and shall have the same powers, shall enter into the like bonds, and be entitled to the like fees, with the other naval officers or collectors in the commonwealth. They shall hold their offices, one at the falls of Ohio, the other at the mouth of Limestone; shall perform the same duties as are required of other naval officers, and shall in all cases, not otherwise particularly provided for, be governed by the general laws respecting naval officers or collectors. And all masters or owners of vessels, or other persons coming into the said district, shall perform the same duties or requisites, under the same penalties as delinquents are liable to in other districts.

Salaries of
judges and
attorney.

V. *And be it further enacted*, That instead of the salaries now payable to the judges and attorney for the said court, there shall be paid them, in quarterly payments, the following annual salaries, to wit: To the judge of the court, two hundred and fifty pounds; to the assistant judges, two hundred pounds each, and to the attorney, one hundred and fifty pounds.

CHAP. XXX.

An act directing the sale of the public lands and other property in or near the city of Richmond.

I. *BE it enacted*, That all the public lands and other public property in and near the city of Richmond, except so much thereof as shall be set apart by the executive for use of the government, shall be sold for money or military certificates, as the commissioners hereafter appointed may judge most for the public benefit; and the money arising from the sales thereof, together with the interest due or to become due on the certificates, shall be applied towards erecting the public buildings on Shockoe hill, agreeable to an act, intitled, "An act for the removal of the seat of government."

Public lands in or near city of Richmond, except those set apart for use of government to be sold. Proceeds appropriated to erection of public buildings.

II. *And be it further enacted*, That Nathaniel Wilkinson, Miles Selden, junior, John Harvie, Thomas Prosser, and William Foushee, gentlemen, or any three of them, be appointed commissioners for the better execution of this act; who, before they proceed on the duties of their office, shall enter into bond with security, in a reasonable penalty, payable to the governor for the time being, conditioned for the faithful execution of their trust. The said commissioners shall make immediate application to the executive for the delivery and possession of such of the said lands and property as shall not be reserved for the use of government, and having caused the same to be laid off into lots in such manner as to them may appear most beneficial for the public, shall, making due publication thereof in the Virginia Gazette, proceed to sell the same for the best price that can be got, either for money or twelve months credit, or for certificates, as aforesaid, payable immediately, at the discretion of the commissioners. For all money sales the said commissioners shall take bond of the purchasers with approved security, and, in default of payment, are authorized to recover the same by judgment, upon motion in any court of record, giving ten days previous notice of such motion. All certificates received by the said commissioners in virtue

Commissioners.

Terms of sale.

For money or certificates

Proceeds, how disposed of.

of this act, shall be by them returned to the public treasury; and the treasurer shall enter the same in his books to their credit in trust, and for the use of the public, paying to the said commissioners the interest due or to become due thereon out of the funds appropriated for that purpose, in the same manner as he would do to individual possessors. All monies received by the said commissioners in virtue of this act, shall be by them paid into the hands of the directors of the public buildings, to be by them applied pursuant to the powers vested in them by the act, "For the removal of the seat of government." And whereas the money arising from the sale of the land and other public property, as herein before directed, may not be sufficient to complete the said public buildings, and the public finances will not admit of an immediate appropriation of a further sum of money in aid thereof, but the completion of the said public buildings may be greatly facilitated by private contribution:

Subscriptions to be opened by commissioners, under superintendence of directors of public buildings, to aid in the completion of the public buildings.

III. *Be it further enacted*, That the said commissioners be empowered to open and receive subscriptions for that purpose, in such manner and to such amount as the directors of the public buildings shall deem proper; and that the monies thence arising be paid by the said commissioners into the hands of the said directors, and by them applied to the purposes before directed, and to none other. And the directors of the public buildings shall in like manner enter into bond with security, in a reasonable penalty, payable to the governor for the time being, conditioned for the faithful application of all monies by them received.

Sales for certificates may be on credit.

IV. *Provided always, and be it further enacted*, That nothing herein contained shall be construed to prevent the said commissioners from granting a credit upon all sales for certificates as aforesaid, until the thirty first day of December next; but upon all such sales the said commissioners shall take bond with approved security; and, in default of payment, are authorized to recover the amount thereof, with interest and costs, together with six per centum damages in specie, by judgment upon motion in any court of record, giving ten days previous notice of such motion; execution upon which judgment shall be issued for and discharged by the payment of the amount in certificates expressed in the condition of such bond, together with interest, costs,

and the damages in specie, as aforesaid, and not otherwise.

V. *And be it further enacted*, That all sales which shall be made by virtue of this act for certificates, shall be by private or public sale, at the discretion of the commissioners, and before the first day of October next.

CHAP. XXXI.

An act authorizing the delegates representing this state in congress, to subscribe and ratify an alteration of the eighth of the articles of confederation and perpetual union between the thirteen states of America.

I. FOR the purpose of introducing a more convenient and certain rule of ascertaining the proportions to be supplied to the common treasury of the United States, recommended by congress in their act of the eighteenth of April, one thousand seven hundred and eighty-three;

II. *Be it enacted by the General Assembly*, That so much of the eighth of the articles of confederation and perpetual union between the thirteen states of America, as is contained in the words following, to wit: "All charges of war, and all other expenses that shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in-congress as-

Delegates in congress, from this state, authorized to subscribe and ratify an amendment to the 8th article of the confederation, by declaring that the contributions of the state, to the general treasury, shall be in the proportion of their free white population & three fifths of their slaves, instead of the

value of their
lands and im-
provements.

sembled, shall from time to time direct and appoint," shall be revoked and made void on the part of this commonwealth; and in place thereof, it is declared and concluded, the same having been agreed to in a congress of the United States, that all charges of war, and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several states in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex, and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description (except Indians not paying taxes) in each state; which number shall be triennially taken and transmitted to the United States in congress assembled, in such manner as they shall direct and appoint. And the delegates representing this state in congress, or any two of them, are hereby authorized and required to subscribe and ratify the said alteration of the articles of confederation and perpetual union; and the same when subscribed and ratified by the said delegates, and by the delegates of each of the other confederated states, duly authorized therefor, shall be valid and binding as to this commonwealth.

CHAP. XXXII.

An act to restrict foreign vessels to certain ports within this commonwealth.

Preamble.

I. WHEREAS the trade and commerce carried on between the citizens of this commonwealth and foreign merchants, would be placed upon a more equal foundation, and expedition and dispatch thereby the better promoted, if the vessels of foreign merchants trading

to this state should be restricted to certain ports and places within the same, in lading and unlading, and the revenue arising from commerce would also thereby be more certainly collected:

II. *Be it therefore enacted*, That the ships and other vessels trading to this commonwealth from foreign parts, which are the property of other than the citizens of the same, shall enter, clear out, lade and unlade, at the following places, to wit: Norfolk and Portsmouth as one port, Bermuda Hundred, Tappahannock, York Town, or Alexandria, and at no other ports or places therein. And all ships and other vessels trading to this commonwealth, from foreign parts, owned by a citizen or citizens jointly with a foreigner or foreigners, shall also be restricted to enter, clear out, lade and unlade, at the said ports or places, and at none other. All duties payable upon tonnage, and upon goods, wares, and merchandize, imported into this state in such ships or other vessels, shall be paid and accounted for by the master or owner thereof, to the naval-officer or collector at such of the aforesaid ports or places where such ship or other vessel shall enter and break bulk. And if the master or owner of any such ship or other vessel shall enter, clear out, lade or unlade, or break bulk at any port or place within this commonwealth, other than those aforementioned, the master or owner of such ship or other vessel shall forfeit and pay double that duty on tonnage and the goods, wares, and merchandize, by him imported, which by law he would be compellable to pay at any of the aforesaid ports; which said double duties shall be paid by such master or owner, in forty-eight hours after his arrival at any other port or place; and for failure thereof, he shall be subject to the like penalty as by law the citizens of this commonwealth are now subject to in case of failure to pay the duties required from them upon the importation of goods, wares, and merchandize; which said penalty shall be recovered and applied in like manner as the penalty from citizens in the case aforesaid is directed to be recovered and applied.

Foreign vessels restricted to certain ports.

Ports designated.

Duties payable at those ports only.

Penalty for lading or unlading elsewhere.

III. And whereas the navigating small country craft by slaves, the property of the owners of such craft, tends to discourage free white seamen, and to encrease

the number of such free white seamen would produce public good:

Not more than one third of crew of river or bay craft, to consist of slaves.

IV. *Be it therefore enacted*, That not more than one-third part of the persons employed in the navigation of any bay or river craft, below the falls of the rivers, shall consist of slaves. And if the owner of any bay or river craft shall presume to put on board any such craft as navigators, more slaves than the proportion aforesaid, such owner shall forfeit and pay the sum of one hundred pounds for each offence, to be recovered by action of debt or information, in any court of record. This act shall commence and be in force from and after the tenth day of June, one thousand seven hundred and eighty-six. And so much of all acts of assembly, as comes within the purview of this act, shall be repealed.

Suspension of this act.

V. *Provided nevertheless*, That nothing contained in this act shall be so construed as to extend to the navigation of the rivers westward of the Allegany mountains.

CHAP. XXXII.

An act to empower the vestry of Antrim parish, in the county of Halifax, to sell the glebe of the said parish, and to lay out the money in purchasing a more convenient one.

Vestry of Antrim parish, in Halifax county, authorised to sell their glebe & purchase another

I. WHEREAS it is represented to this present general assembly that the glebe lands in the parish of Antrim, in the county of Halifax, are for the most part worn out, and are inconveniently situated; that timber sufficient to keep up the necessary repairs cannot be procured without great expence, and that it would be very advantageous to the inhabitants thereof in general if the vestry of the said parish were empowered to dispose of the said glebe, and to lay out the money arising

from the sale thereof in purchasing other lands for a glebe:

II. *Be it therefore enacted*, That the said glebe lands, with the appurtenances, be, and the same are hereby vested in the vestry of the said parish; in trust nevertheless, that the said vestry, or the greater part of them, shall, by deed or deeds of bargain and sale, sell and convey the said glebe, with the appurtenances, for the best price that can be got, to any person or persons who shall be willing to purchase the same, to hold to such purchaser or purchasers, his or their heirs and assigns, forever.

III. *And be it further enacted*, That the money arising by the sale of the said glebe shall be by the said vestry laid out and applied towards purchasing a more convenient glebe, for the use and benefit of the minister of the said parish for the time being, forever.

CHAP. XXXIV.

An act directing the sale of certain public lands, and for other purposes.

Amended
Oct. 1784, ch.
71.

I. *BE it enacted*, That all the public lands in this commonwealth, except those hereafter mentioned, shall be sold for the use of the public; and for the more effectually carrying this act into execution,

Sale of public lands directed.

II. *Be it enacted*, That Joseph Jones (of King George) Paul Loyall, William Lee, Mann Page, Henry Tazewell, Benjamin Harrison (of Brandon) Thomas Nelson, Mites King, and John Kearnes, gentlemen, shall be, and are hereby appointed commissioners, who shall be authorised and empowered to sell the same, either for money on twelve months credit, or for military certificates payable immediately, at the discretion of the commissioners, giving notice thereof by advertisements inserted in all the newspapers in this commonwealth two months at least previous to such sales,

Commissioners.

Mode and terms of sale.

For money or certificates.

Proceeds,
how recovered
and disposed
of.

and shall continue such advertisements eight weeks successively. In the case of sales made by the commissioners for money, they shall take bond and security from the purchasers; and in case such purchasers shall make default in the payment thereof, the said commissioners are hereby authorized and empowered to move for judgment against such delinquent debtor in any court of record, upon his bond given as aforesaid; ten days previous notice of such motion being given to such delinquent purchaser. All certificates and money received by the said commissioners by virtue of this act, shall by them be paid into the treasury, to be applied in such manner as the general assembly shall direct. The said commissioners, previous to their entering upon the duties of their office, shall enter into bond with approved security, in the penalty of five thousand pounds, payable to the governor for the time being, and conditioned for the faithful discharge of the trust hereby reposed in them.

Palace lands,
adjoining
Williamsburg
the Vineyard,
lands near
James Town,
and lots in
Williamsburg
belonging to
the public,
vested in
William and
Mary University.

III. *And be it further enacted*, That the lands commonly called the palace lands, adjoining the city of Williamsburg, together with the houses thereon; the lands near the said city commonly called the Vineyard; the lands near Jamestown, in the county of James city, so far as the public interest therein extends; together with all the lots and houses in the said city which are the property of this commonwealth, and not already granted to individuals, or appropriated at this time to some public uses, shall be, and the same are hereby vested in the president and professors of William and Mary university for ever, with power to the said president and professors to sell or dispose thereof in any manner they shall judge best for the interest and advantage of the said university. *Provided always*, That the president and professors of the said university shall in all things respecting the said property, be subject to the controul and direction of the visitors appointed to govern the said university. The said commissioners shall immediately after each sale, transmit to the executive an exact and accurate state of the lots sold, to whom, when payable, distinguishing against each whether sold for specie or military certificates, and to pay the money arising from such sales into the public treasury within twenty days after they shall have received the same, deducting a commission of one per centum for their trou-

To be disposed
of, under
controul of
visitors.

Commissioners
to report
to executive,
and pay proceeds
into
treasury.

ble; and on failure to pay the money by them received as aforesaid, the solicitor is hereby empowered to recover the same, together with ten per centum damages and interest thereon; by motion in the general court, on giving the party ten days previous notice.

Their allowance.

Remedy, for non-payment

IV. *And be it further enacted*, That the said commissioners, or a majority of them, shall, and they hereby authorized and empowered, to sell and dispose of the lands commonly called Gosport, adjoining the town of Portsmouth, in manner aforesaid, except such part thereof as in their opinion may be necessary for the use of the public, taking care to lay off the said lands into lots, so as to make them uniform with the town of Portsmouth. *Provided*, That all sales which shall be made for certificates may be by private or public sale, at the discretion of the commissioners; and that nothing in this act contained shall be construed to prevent the said commissioners from granting a credit upon all sales for certificates aforesaid until the first day of December next: But upon all such sales, the said commissioners shall take bond with approved security, and in default of payment are authorized to recover the amount thereof with interest and costs, together with six per centum damages in specie, by judgment, upon motion in any court of record, giving ten days previous notice of such motion; execution upon which judgment shall be issued for and discharged by the payment of the amount in certificates expressed in the condition of such bond, together with interest, costs, and the damages in specie, as aforesaid, and not otherwise. And whereas it hath been represented to the present session of assembly, that if permission was granted to the corporation of the city of Williamsburg to raise a sum of money by lottery, it would conduce to the interest and advantage of the grammar school established under the direction of the said corporation:

Gosport lands adjoining Portsmouth, to be laid off into lots, uniform with the town & sold.

Mode and terms of sale.

Proceeds, how recovered and disposed of.

V. *Be it therefore enacted*, That the mayor, recorder, aldermen, and common council, of the said city, may and they are hereby authorized and empowered, to raise by lottery any sum of money they shall judge necessary for the use and better support of the said grammar school; provided that such sum shall not exceed two thousand pounds.

Lottery for benefit of grammar school in Williamsburg authorized.

CHAP. XXXV.

From revised
Bills of 1779,
chap. LIX.

*An act directing the mode of suing
out and prosecuting writs of habeas
corpus.*

Mode of su-
ing out and
prosecuting
writs of ha-
beas corpus.

1. *BE it enacted by the General Assembly, That* whensoever a habeas corpus shall be served, by delivering it to the officer or other person to whom it is directed, or by leaving it at the gaol or prison in which the party suing it out is detained, unless the warrant of commitment plainly and specially express the same to have been for treason or felony; if the charges of bringing the prisoner, to be ascertained by the court or judge who awarded the writ and thereon endorsed, not exceeding twelve pence per mile, be paid or tendered, and sufficient security to pay the charges of carrying him back in case he be remanded, and that he will not escape by the way, be given; then the officer or his deputy, within three days after such service, or if the prisoner is to be brought more than twenty miles, within so many days more as will be equal to one day for every twenty miles of such further distance, shall make return of the writ, and bring the body of the prisoner, or cause it to be brought, before the proper judge or judges, according to the command thereof; and shall then likewise certify the true causes of his detainer or imprisonment. Every such writ shall be signed by him who awards it. And if any person shall be or stand committed or detained as aforesaid, for any crime, unless it be for treason or felony, plainly expressed in the warrant of commitment in the vacation time, the prisoner not being convict, or in execution by legal process, or any one on his behalf, may appeal and complain to any judge of the high court of chancery or general court, who, at the request of such prisoner, or other person on his behalf, attested by two witnesses present at the delivery thereof, is hereby authorized, upon view of a copy of the warrant of commitment or detainer, or otherwise upon affidavit made that such copy was desired to be given by him in whose custody the prisoner is detained, to award and grant a habeas corpus, under the seal of the said court, to be directed

to the officer in whose custody the party committed or detained shall be, returnable immediately before the said judge, or any other judge of one of the said courts; and upon service thereof as aforesaid, the officer or his deputy, in whose custody the party is so committed or detained, shall, within the times before respectively limited, bring the prisoner before the court, or one of the judges thereof, before whom the writ is made returnable, or in case of his absence, before any other of them, with the return of the writ and the true causes of the commitment and detainer; and thereupon the judge before whom the prisoner shall be brought, shall, within two days thereafter, discharge him from imprisonment, taking his recognizance with surety in any sum, according to the discretion of the judge, having regard to the circumstances of the prisoner, and nature of the offence, for his appearance in the general court the term following, or in some other court where the offence is properly cognizable, as the case shall require; and then also certify the said writ with the return thereof, and the said recognizance into the said court where such appearance is to be made, unless it shall appear to the judge that the party so committed is detained upon a legal process order or warrant, out of some court that hath jurisdiction of criminal matters, or by some warrant signed and sealed with the hand and seal of any of the said judges, or some justice of the peace, for such matters or offences, for the which, by the law, the prisoner is not bailable. If any person shall have wilfully neglected, by the space of two terms after his imprisonment, to pray a habeas corpus for his enlargement, such writ shall not be granted to him in vacation, in pursuance of this act. Any officer neglecting or refusing to make the return aforesaid, or to bring the body of the prisoner according to the command of the writ within the time aforesaid, or not delivering a true copy of the warrant of commitment and detainer, within six hours after demand thereof made, to the prisoner, or person demanding it on his behalf, which copy the officer or his deputy is hereby required to deliver, shall forfeit to the prisoner, one hundred pounds; to recover which, the right of action shall not cease by the death of either or both the parties. No person who shall have been delivered upon a habeas corpus, shall afterwards

be imprisoned or committed for the same offence, otherwise than by the order or process of the court wherein he shall be bound by recognizance to appear, or some other court having jurisdiction of the cause. A citizen of this commonwealth committed to prison in custody of an officer for any criminal matter, shall not be removed from thence into the custody of another officer, unless it be by habeas corpus, or some other legal writ, or where the prisoner shall be delivered to the constable, or other inferior officer, to be carried to some common gaol, or shall be sent by warrant of an alderman to some common work-house, or shall be removed from one place to another within the same county, in order to his discharge or trial, in due course of law; or in case of sudden fire or infection, or other necessity, or where the prisoner shall be charged by affidavit with treason or felony, alledged to be done in any of the other United States of America, in which last case he shall be sent thither in custody, by order of the general court, or warrant of any two judges thereof in vacation time, or may be bound by recognizance, with sureties before them, to appear there, whichever shall seem most proper, if the said court or judges, upon consideration of the matter, shall think he ought to be put upon his trial. Any person as aforesaid may move for and obtain his habeas corpus, as well out of the high court of chancery as out of the general court: And if any judge of either of the said courts in the vacation time, upon view of the copy of the warrant of commitment or detainer, or upon affidavit made, that such copy was denied as aforesaid, shall refuse any writ of habeas corpus by this act required to be granted, being moved for as aforesaid; such judge shall be liable to the action of the party grieved.

CHAP. XXXVI.

An act for appointing public notaries.

I. WHEREAS it will be for the ease and convenience of the inhabitants of this commonwealth, and all others trading hither, that public notaries should be appointed: Notaries public, how appointed.

II. *Be it therefore enacted*, That the governor, with the advice of council, for the time being, is hereby empowered and required to nominate and appoint so many notaries public as to him shall seem necessary; and upon the death, resignation, or removal of any such notaries public, to appoint others in his or their room, which said notaries public shall hold their respective offices during good behaviour, and shall use and exercise the said office of notary public for such places and within such limits and precincts as the governor and council shall direct, to whose protestations, attestations, and other instruments of publication, due credence is hereby given. *Provided nevertheless*, That every notary public shall, previous to his executing the said office, give bond to the governor for the time being, in the penalty of five hundred pounds, conditioned for the due discharge of his said office; and shall, in the high court of chancery, the general court, or the county court of his precinct, take the oath of fidelity to this commonwealth, and also an oath that he will, without favor or partiality, honestly, diligently, and faithfully, discharge the duties of notary public. Bond & oath

III. *And be it further enacted*, That every public notary shall and may demand and receive, for every attestation, protestation, and all other instruments of publication under his seal of office, the sum of five shillings; and no more; and for recording in a book to be kept for that purpose, each attestation, protestation, and all other instruments of publication, the sum of five shillings, and no more. Fees.

CHAP. XXXVII.

*An act for establishing an inspection
of hemp.*

d. c.
17. **I. WHEREAS** making good and merchantable hemp, fit for exportation, will not only afford this commonwealth a very considerable branch of commerce, but add greatly to the maritime strength of the same, which can only be effected by an inspection thereof established by law:

Warehouses,
for the in-
spections of
hemp esta-
blished.

II. Be it enacted by the General Assembly, That public ware-houses for the reception of hemp, pursuant to this act, shall be kept at the places herein after mentioned, that is to say, at or near the city of Richmond, and towns of Alexandria and Fredericksburg. And it shall and may be lawful for the justices of the courts of the counties wherein such inspections are established, and they are hereby required, upon the receipt of this act, to choose out a proper place for erecting good and sufficient ware-houses for the receipt of all hemp which may be brought to the same; and they are hereby required to cause the owner or proprietor of the said place, or in case of the absence or inability of such owner, his or her agent or attorney to be summoned to appear before them at the next succeeding court, there to declare whether they will undertake to erect good and sufficient houses for the storage of hemp; and in case such owner, agent, or attorney, will undertake the same, then the said court shall, and they are hereby required to take bond with security, in a reasonable penalty, payable to the governor for the time being, with condition for the due performance of such undertaking; and if such owner, agent, or attorney shall refuse to undertake the same, or give bond as aforesaid, then the said court shall, and they are hereby required and empowered to agree with some person or persons, to erect good and sufficient ware-houses for the reception and preservation of hemp which may be brought to the same, and shall certify the charge thereof to the treasurer of this state, who is hereby directed and required to pay the same, out of the revenue arising from the two tenths of the tax on free male tithables, and all taxable property

How ware-
houses to be
erected.

not appropriated; provided such sum shall not exceed twelve hundred pounds.

III. *And be it further enacted,* That the courts of the counties wherein any ware-houses for the receipt of hemp shall be established by this act, are hereby required to appoint a fit and able person to have the care and charge of the said ware-house, whose business it shall be carefully to inspect and examine all hemp which shall be brought to his ware-house, by opening each bundle, and separating that which shall be strong, dry, and clean, from that which shall be unsound and unfit for exportation; and shall moreover distinguish all such sound hemp by the terms of water rotted, winter rotted, and summer rotted, and specify in the note which he shall give, of which quality the hemp is; and all hemp unfit for cordage, except such as shall be rotten, shall be baled up and set apart for the purpose of caulking vessels, and no other; and the note to be issued for such hemp, shall specify the same.

Inspector, his appointment and duty.

IV. *And be it further enacted,* That all hemp, sound and merchantable, separated as above directed, shall be prized in bales of three and a half feet square, with a label annexed thereto, stamped with the weight of each bale, and the name of the owner, which weight and owner's name shall be entered in a book kept for that purpose; and he is hereby required to give a certificate in form following to wit: "I, A. B. do certify that has deposited pounds of well conditioned merchantable hemp (of the qualities before described, as the case may be) passed inspection at the ware-house in , of which I am inspector. Witness my hand, &c."

Hemp to be prized in bales, and labelled.

V. *And be it further enacted,* That if any inspector appointed in pursuance of this act, shall deliver any hemp, but by order of the owner, or shall fail to give the receipt aforesaid, or shall otherwise fail in his duty as inspector, shall forfeit and pay to the party grieved, fifty pounds, to be recovered by action of debt, in any court of record.

Penalties on inspector.

VI. *And be it further enacted,* That no hemp of the growth or produce of this state shall be transported from the same by water, until the same hath been first viewed and examined agreeable to the directions aforesaid, at one of the ware-houses to be appointed by this act: And if any person whatsoever shall presume to

Hemp not to be transported till inspected.

carry or transport from this state by water, any hemp not inspected and declared to be sound and merchantable, such offenders shall forfeit and pay twelve pounds for every five hundred pounds, and in proportion for a greater or less quantity so exported, recoverable by bill, plaint, or information, before any court of records, one half to the informer, and the other half to the commonwealth. And to prevent the manufacturing of unsound hemp within this state,

Nor manufactured at rope walks

VII. *Be it further enacted*, That the owner or owners of all rope-walks within the same, shall not manufacture into cordage, any hemp not inspected as aforesaid; and if any owner or owners shall presume to manufacture into cordage, any hemp which shall not first have been viewed and examined, and passed at some one of the public ware-houses by this act appointed, every such person shall forfeit all such uninspected hemp; one half to the use of the informer, the other half to the use of the commonwealth.

Refused hemp may be picked.

VIII. *And be it further enacted*, That when any hemp shall be refused by the inspectors, the proprietor shall be at liberty to clean the same, and to separate the sound from the unsound, if any part thereof shall by the inspector be deemed merchantable, and upon his refusal or neglect so to do, within thirty days, then the inspectors may employ any person to clean and separate the same, and give the owner credit for so much thereof as shall be found merchantable, after paying the person or persons employed in cleaning the same, one eighth part of the quantity thus cleaned.

[Fees of inspector.

IX. *And be it further enacted*, That the inspectors at any of the store-houses to be by this act established, shall and may demand and receive for their services as inspectors, one shilling and three pence for every hundred pounds by them received, which shall be paid at the time of delivering the same, by the exporter or manufacturer within the state, one half of which to be paid to the treasurer of this commonwealth, or the owner of the ware-house, as the case may be, quarterly, under the penalty of forfeiting to the commonwealth, or the owner, one hundred pounds, recoverable on motion before any court of record within this commonwealth, on giving ten days previous notice of such motion.

Oath of inspector.

X. *And be it further enacted*, That the inspectors shall previous to the execution of their office, take

the following oath: "You shall swear diligently and carefully to receive and examine all hemp brought to the ware-house where you are inspector; and that you will not pass any hemp that is not in your judgment sound, well conditioned, merchantable, and clear of trash; nor pass or mark any bale of hemp contrary to the intent and meaning of this act; nor refuse any hemp that in your judgment is sound, well conditioned, and fit for exportation; and that you will not alter or give out any hemp other than that for which the receipt to be taken was given; but that you will in all things well and faithfully discharge your duty in the office of an inspector according to the best of your skill and judgment, agreeable to the directions of this act, without fear, favor, affection, malice, or partiality." So help you God:

XI. *And be it further enacted*, That if any county court shall fail or refuse in directing such houses as are necessary, and also providing screws, scales, and other necessary conveniences, at the places to be appointed by this act, which they are hereby authorized to do out of the funds aforesaid, shall forfeit and pay three hundred pounds; to be recovered with costs by action of debt or information against such justices jointly, one moiety to the prosecutor, the other moiety to the commonwealth.

Penalty of courts for neglect of duty.

CHAP. XXXVIII.

An act to ascertain the quantity of land, the improvements thereon, and the number of people, within this commonwealth.

I. WHEREAS by the eighth of the articles of Preamble, confederation and perpetual union, it is agreed and declared, that all charges of war, and all other expenses for the common defence or general welfare, allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be

supplied by the several states in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled, shall from time to time direct and appoint. And whereas the proposition made by the United States in congress assembled, for changing the said rule of apportionment, and agreed to by this state, may not meet with the unanimous concurrence of the several states, and measures ought therefore to be taken for carrying the said eighth article into execution: And whereas also, with this view the United States in congress assembled, have, by their act of February the seventeenth, one thousand seven hundred and eighty-three, called upon the legislature of each state for a just and accurate account of the quantity of land therein, granted to or surveyed for any person, the number of buildings thereon, distinguishing dwelling houses from other buildings, and the number of inhabitants, distinguishing white from black: And whereas, by the laws now in force, the quantity of land and the number of black inhabitants within this commonwealth are already ascertained:

Quantity of
land, value of
improvements,
and
census of in-
habitants of
Virginia, how
taken.

11. *Be it therefore enacted*, That the courts of each county and corporation within this commonwealth, shall, at their court to be held in the month of August or September next, proceed to lay off and divide the county or corporation into convenient precincts, and at the same time shall appoint one justice of the peace for each precinct, to take a list from each person within the same of the number of white persons in each family therein, and the number of buildings, distinguishing dwelling-houses from other buildings. Every justice so appointed, shall give public notice at what place or places within his precinct he intends to receive the said lists, by advertising the same at the most public place within such precinct; and shall, on or before the first day of March next, deliver to the clerk of the county or corporation court, a fair list of the buildings upon the lands, and of the number of white persons therein, from which list so delivered in, the clerk shall make out a fair copy, and deliver the same, or cause it to be delivered, to the governor on or before the first day of May next; and the governor shall, as

soon as complete copies of all such lists shall be delivered to him, transmit the same, together with an account of the quantity of land and number of black persons within this commonwealth, to the United States in congress assembled. Every owner of a family, or in case of his or her absence or non-residence at the plantation, the overseer of the same neglecting or failing to deliver, or cause to be delivered, to the justice appointed for that precinct, such list as aforesaid on or before the first day of January, shall forfeit and pay ten pounds; to be recovered with costs by information in the court of the county or corporation where such neglect or failure may be, and applied towards lessening the county levy. Every justice or clerk of a court refusing or failing to perform the duties respectively required of him by this act, shall forfeit and pay fifty pounds; to be recovered and applied in like manner as is herein before directed in the case of other forfeitures. Where any county court within this commonwealth may have already proceeded to lay off their county into precincts, under the act passed at the May session of assembly, one thousand seven hundred and eighty-two, intituled, "An act to ascertain the number of people within this commonwealth," they shall notwithstanding lay off and divide the same again, and perform the duties respectively required of them by this act, in the same manner as if the said recited act had not been made. All and every act or acts, contrary to the purview and meaning of this act, shall be, and the same are hereby repealed.

CHAP. XXXIX.

An act to revive and amend an act, intituled, An act for calling in and redeeming certain certificates.

I. WHEREAS the operation of an act, intituled, "An act for calling in and redeeming certain certificates."
VOL. XI. C 3

See May, 1783
ch 50, ante, page 93.

Further provision for redeeming military and other certificates.

cates," hath expired, and many certificates being yet in the hands of the citizens, for the redemption of which no provision hath been made, it becomes necessary to revive and amend the said act:

Additional taxes. II. *Be it therefore enacted by the General Assembly,* That there shall be paid a tax of one per cent. for every hundred pounds, and so in proportion for a greater or lesser sum, of the valuation of all lands and lots as the same is charged under the act for equalizing the land tax; also a tax of ten shillings by every free male person above the age of twenty one years who shall be a citizen of this commonwealth; and also the like tax of ten shillings upon all slaves above the age of sixteen years, to be paid by the owners thereof, except such free persons and slaves as shall be exempted by the respective county courts through age or infirmity; also two shillings for every horse, mare, colt, and mule; also three pence per head for all cattle; also five shillings per wheel for all coaches, chariots, phaetons, four wheeled chaises, stage waggons for riding carriages, chairs, and two wheeled chaises; also fifteen pounds for every billiard table, and four pounds for every ordinary licence; over and above the taxes imposed by any act or acts of assembly. The court of every county shall before the month of January annually, take bond of the sheriff with sufficient security, in the penalty of ten thousand pounds, payable to the treasurer of this commonwealth for the time being, and his successors, for the use of the commonwealth, and conditioned for the true and faithful collecting, paying, and accounting for all the taxes in his county hereby imposed; and the said bond shall be recorded in the court of the county where the same is taken, and an attested copy thereof shall be transmitted by the respective clerks without delay to the auditors of public accounts, and admitted as evidence in any suit or proceeding founded thereon; and the said sheriff shall, from and after the last day of January in every year, distrain for and pay the taxes hereby imposed in his said county, under the like regulations, allowances, and penalties, as are prescribed by an act, intituled, "An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act." *Provided nevertheless,* That the commissions to sheriffs for collecting the said taxes, shall

On lands.

Poll tax.

On slaves.

Horses.

Cattle.

Carriages.

Billiard tables.

Ordinary licences.

Bonds to be taken of sheriffs.

Certified copy evidence.

Taxes when distrainable.

be payable in kind. Every person and persons charge-
able with the said taxes, shall pay the same to the sher-
iff or collector, either in Spanish milled dollars at the
rate of six shillings each, or in other current silver or
gold coin at a proportionate value, or in military aud-
ited certificates, or in treasury tobacco notes which were
payable to enlisted soldiers at the rate of twenty shil-
lings per hundred weight, or in warrants issued under
the act for auditing certain public claims, or in any
other audited specie warrants or certificates; and that
every person upon paying the said taxes in any man-
ner as before directed, shall be discharged thereof, and
may demand and receive of the sheriff or collector a re-
ceipt or discharge accordingly.

Sheriff's com-
missions.

Taxes in
what payable

GENERAL ASSEMBLY

Begun and held at the Public Buildings in the City of Richmond, on Benjamin Harrison, esq.
governor.
Monday the eighteenth day of October in the year of our Lord one thousand seven hundred and eighty-four, and in the ninth year of the commonwealth.

CHAP. I.*

[Chap. XL in original.]

An act for the establishment of courts of assize. †

I. FOR rendering the administration of justice more expeditious and convenient, as well as less burthensome to individuals and to the commonwealth; *Be it enacted by the General Assembly*, That immediately after the first day of January, in the year of our Lord one thousand seven hundred and eighty six, the clerk of the general court shall make a fair transcript of the record in each and every suit depending in the said court, wherein an issue is to be tried or inquiry of damages to be made, and transmit the same to the clerks of the several assizes, wherein such suits are to be tried, accord-

Act for the establishment of courts of assize.

* In the original the chapters are continued progressively from the May session, although the paging commences anew.— In this edition, the chapters will commence with number 1, and the chapters in the original, placed in the margin.

† This act never went into operation. It was suspended until the first day of January 1786. By act of 1786, ch. 13, it was further suspended, until the first day of January 1788, and by act of 1787, ch. 16, it was repealed; but it was succeeded by the act of 1788, ch. 67, establishing District Courts. The Circuit Courts were substituted for the district courts. See acts of 1807, ch. 3, and 1808, ch. 6.

When and
where courts
of assize to
be held.

ing to the regulations herein after mentioned. For the trial of issues and inquiry of damages on the records so transmitted, there shall, in every year, be holden a court of assize at the places and times following: At the city of Richmond, on the first day of April, and on the first day of October; at the city of Williamsburg, on the thirteenth day of April, and on the thirteenth day of October; at Northumberland court-house, on the first day of April, and on the first day of October; at King and Queen court house, on the twentieth day of March, and on the twentieth day of September; at Fredericksburg, on the third day of May, and on the third day of November; at Winchester, on the tenth day of April, and on the tenth day of October; at Staunton, on the first day of April, and on the first day of October; at Charlottesville, on the thirteenth day of April, and on the thirteenth day of October; at Dumfries, on the twenty third day of April, and on the twenty third day of October; at Monongalia court-house, on the first day of May, and on the twenty-fifth day of September; at Washington court-house and Fort Chiswell, alternately, on the tenth day of May, and on the tenth day of October; at Suffolk, on the third day of May, and on the third day of November; at Petersburg, on the lands of Sarah Newsum, which she has ceded to the corporation of Petersburg for the purpose of erecting their public buildings, on the twenty third day of April, and on the twenty third day of October; at Brunswick court-house, on the thirteenth day of April, and on the thirteenth day of October; at Prince Edward court-house, on the tenth day of April, and on the tenth day of October; at Bedford court-house, on the twenty third day of April, and on the twenty third day of October; and at Accomack court house, on the twenty third day of April, and on the twenty third day of October; and if any of the said several days shall happen to be Sunday, then the said courts of assize shall respectively, as the case may happen, begin on the succeeding day, and shall continue to sit until the business depending before the court shall be ended, or so much thereof as can be finished before it shall be necessary for the judges to proceed to the next assize. In all suits or actions at common law, whether real, personal, or mixed, which shall be depending in the general court on the said first day of January, in the year of

In suits depending in the general court, issues to be tried at

our Lord one thousand seven hundred and eighty six, or which shall thereafter be instituted in the said court, wherein the venue is or shall be laid in either of the counties of Henrico, Hanover, Chesterfield, Goochland, or Powhatan, the issues shall be tried and the inquiry of damages be made at the court of assize to be held at the city of Richmond; if the venue is or shall be laid in either of the counties of James city, Charles city, New-Kent, Surry, Gloucester, York, Warwick, or Elizabeth city, the issues shall be tried and the inquiry of damages be made in the said court of assize to be held at the city of Williamsburg; if the venue is or shall be laid in either of the counties of Richmond, Westmoreland, Lancaster, or Northumberland, the issues shall be tried and the inquiry of damages made at the said court of assize to be held at Northumberland court-house; if the venue is or shall be laid in either of the counties of Essex, Middlesex, King and Queen, or King William, the issues shall be tried and the inquiry of damages made at the said court of assize to be held at King and Queen court house; if the venue is or shall be laid in either of the counties of Spotsylvania, Caroline, King George, Stafford, Orange, or Culpeper, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Fredericksburg; if the venue is or shall be laid in either of the counties of Frederick, Berkeley, Hampshire, or Shenandoah, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Winchester; if the venue is or shall be laid in either of the counties of Augusta, Rockbridge, Rockingham, or Greenbrier, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Staunton; if the venue is or shall be laid in either of the counties of Albemarle, Louisa, Fluvanna, or Amherst, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Charlottesville; if the venue is or shall be laid in either of the counties of Fairfax, Fauquier, Loudoun, or Prince William, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Dumfries; if the venue is or shall be laid in either of the counties of Harrison, Yohogania, Monongalia, or Ohio, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Monongalia court-house; if the

the assizes, accordingly as the venue is laid,

Counties assigned to each court of assize.

venue is or shall be laid in either of the counties of Montgomery or Washington, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Washington court-house and Fort Chiswell, alternately; if the venue is or shall be laid in either of the counties of Norfolk, Isle of Wight, Princess Anne, Nansemond, or Southampton, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Suffolk; if the venue is or shall be laid in either of the counties of Prince George, Sussex, Dinwiddie, or Amelia, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Petersburg; if the venue is or shall be laid in either of the counties of Brunswick, Greenville, Lunenburg, or Mecklenburg, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Brunswick court-house; if the venue is or shall be laid in either of the counties of Prince Edward, Buckingham, Charlotte, Halifax, or Cumberland, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Prince Edward court-house; if the venue is or shall be laid in either of the counties of Bedford, Botetourt, Campbell, Pittsylvania, or Henry, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Bedford court-house; if the venue is or shall be laid in either of the counties of Accomack or Northampton, the issues shall be tried and the inquiry of damages be made at the said court of assize to be held at Accomack court-house.

Venue, in transitory actions, where laid.

What judges to attend assizes, and how allotted.

Juries.

To avoid improper trials by the management of the plaintiff, or the attorney for the plaintiff, the venue in transitory actions shall be laid in the county where the defendant is arrested, or where an attachment to force his appearance is levied, but may be changed by direction of the court upon good cause shewn. Previous to the holding the courts of assize, the court of appeals shall elect and regulate among themselves the court or courts of assize, at each of which two of the judges of the said court of appeals shall attend; which two judges, or in case of failure in either through sickness or other cause to attend, the other of them shall have full power to try all issues, and inquire of damages by a jury upon all records to be transmitted to them by the clerk of the general court, and therein to determine all ques-

tions about the legality of evidence, and other matters of law which may arise. For which trials, they shall cause the sheriff of the county wherein the assize court is to be held, who shall attend them throughout their whole session, to empanel and return jurors of the bystanders, qualified as the law directs, to be sworn of juries. They shall certify under their hands and seals, upon or with each record transmitted, the verdict that shall be given therein, together with such demurrers, exceptions to evidence, or exceptions to the opinion of the court, as they shall be desired by either party to certify, according to the truth of the case; which verdicts and other certificates, the clerks of assize shall in convenient time before the succeeding general court return to the clerks office in the general court. On the return of the postea, or certificate as aforesaid, to the clerk's office of the general court, in all such cases where a general verdict shall be given for either party, and there be no exceptions certified as aforesaid, and where no reasons are filed to stay judgment within fourteen days after the return of the postea as aforesaid, the general court at their next succeeding term, shall enter up judgment upon such verdicts, and an execution may issue thereupon. And in all such cases wherein a special verdict shall be given, exceptions certified, or reasons filed in arrest of judgment, the clerk of the general court shall put them on a docket for argument at the following general court. The judges of the general court shall, nevertheless, for good cause shown, have power to order any issue, or writ of inquiry of damages in a suit depending before them, to be tried at their own bar. The judges of the court of appeals shall, and they are hereby authorized and empowered, to appoint a clerk for each assize court, who shall continue in office during good behaviour, and shall keep his office and reside in the county where the assize court is to be held, attend the said courts of assize during their sittings, and make due entries and certificates of all matters and things as he shall be directed by the said courts of assize; he shall issue subpoenas for witnesses for either party upon the records sent him, and shall do all other things which the duty of his office may require; for which he shall be allowed such fees as by law shall be established, and none other. The said clerk shall

Verdicts certified to general court.

Judgment, on postea, when entered.

Trials at bar.

Clerks of assize, how appointed, tenure of office and duty.

Dockets,

Depositions.

Habeas Corpus.

Criminal jurisdiction.

Proceedings therein.

also prepare a docket of all the causes so transmitted by the clerk of the general court, setting them down in the same order as they stand in the course of the proceedings. All depositions taken in any suit so sent to be tried at any of the assizes, shall be transmitted together with the record. All writs of habeas corpus which shall be sued out during the session of assize, shall be returnable before the assize court of the circuit in which the prisoner is detained. And the said courts of assize shall have full power to hear and determine all treasons, felonies, murders, and other crimes and misdemeanors, which shall be brought before them; for which purpose, whenever any county court shall order a prisoner for further trial, they, or any one of the justices who sat in such court on the examination of the prisoner, shall, by warrant from under his or their hands and seals, direct the sheriff or his deputies to remove the prisoner and commit him to the gaol of that assize court at which the issues in civil causes for the county from whence he is removed are herein directed to be tried; which warrant the sheriff is hereby directed to obey, and may be furnished with powers to impress men for the safe-guard of such prisoners in like manner as is practiced in the removal of criminals to the public gaol. And the clerk of the county from whence such prisoner is removed, shall immediately after the court held for his county, upon the examination of such prisoner, issue a writ of venire facias to the sheriff of the county, commanding him to summon twelve good and lawful men, being freeholders of the county, to come before the court of assize where the prisoner is to be tried at its next session, and return a pannel of their names; which freeholders, or so many of them as shall appear, not being challenged, together with so many other good and lawful men of the bystanders, being freeholders of the assize district, as will make up the number twelve, shall be a lawful jury for the trial of such prisoner. If a prisoner shall desire any witnesses to be summoned for him or her to appear on the trial at the assizes, the clerk of assize shall issue subpoenas for such witnesses. The keeper of the respective assize goals, by order of any two justices of the same county, may impress guards for the safe keeping of all prisoners in their custody, to be paid by the public. The sheriff of each of the counties wherein an assize court

by this act is directed to be held, shall, before every meeting of the assize court in their respective counties, summon twenty four freeholders out of the counties assigned to the assize court for the district in which they respectively reside, qualified as the law directs for grand jurors, to appear at the succeeding court of assize; which twenty four men, or any sixteen of them, shall be a grand jury, and shall inquire of, and present all treasons, murders, felonies, or other misdemeanors whatsoever, which shall have been committed within the jurisdiction of such assize courts respectively. Upon any indictment for a capital offence being found by the grand jury to be true against any person or persons, the court of assize, before whom the indictment shall be found, shall cause such person or persons to be immediately arraigned, and tried by a petit jury summoned, as herein before is directed; and he, she, or they, being found guilty, to pass such judgment as the law directs, and thereupon award execution; and if the prisoner shall be found not guilty, to acquit him or her of the charge. *Provided*, That on all trials, the prisoner shall be allowed counsel upon petition; and when sentence of death shall be passed upon any prisoner, there shall be one calendar month at least between sentence and execution. Upon the trial of any prisoner for any offence punishable capitally, if a bill of exceptions or demurrer to evidence shall be offered on behalf of the prisoner, and a verdict shall afterwards be found against him, and the court of assize, before whom the trial is had, shall be divided in opinion, or entertain doubts about the propriety of such exceptions or demurrers, or where only one judge shall attend or be present, then he shall not finally determine such exception or demurrer, but in all such cases the sentence shall, by order of such judges or judge, be suspended until the same shall be determined by the general court, before whom such demurrer or bill of exceptions shall be laid on the first day of the next succeeding term; and if the judges of the general court shall be of opinion that no good cause is shewn to the contrary, execution of the sentence shall forthwith take place, in the same manner as if such demurrer or bill of exceptions had never been offered. The judges of the general court may, upon good cause shewn, order any prisoner committed to the goal of a circuit, to be removed by habeas corpus to be tried at

Present-
ments, pro-
ceedings on.

Attorneys for
common-
wealth.

Witnesses &
jurors failing
to attend.

their bar; and in that case a jury shall be summoned from the vicinage to try such offender, in like manner as is directed for the summoning of a petit jury to attend an assize court. Where the grand jury in any court of assize shall present a person for an offence not capital, the court shall and may order the clerk to issue a summons or other process commanding the person to appear at the next court of assize to answer such presentment, and thereupon shall hear and determine the same as is now done upon such like occasions in the general court. And if the grand jury shall present any person for a criminal offence, who has not before been committed or examined by a county court for the same, the court of assize shall order the clerk to issue a capias against such person, directed to all sheriffs and constables within this state, commanding them to take such person wherever found, and carry him before a magistrate of the county wherein he shall be apprehended, who shall proceed therein in the manner directed by law for examination of criminals. The attorney general for the commonwealth, or some other to be appointed by the general court, and commissioned by the governor, to continue in office during good behaviour, shall attend each of the said assize courts on behalf of the commonwealth. The goaler for the county in which an assize court is hereby directed to be held, shall constantly attend the said court of assize, and execute the commands of the said court from time to time with regard to the duties of his office. Every person summoned as a witness or jurymen, and failing to appear, may be fined by the assize court to which he was summoned in the same manner as a witness or jurymen might be fined by the general court for such offences. And for the greater ease and convenience of suitors, the clerk of the general court shall from time to time, furnish each clerk of assize with a sufficient number of blank writs, which may by the respective clerks of assize be filled up and issued, as they shall be required, but which shall be made returnable to the clerk's office of the general court on the respective return days established by law. And each clerk of assize to prevent mistakes and errors, shall transmit a list of all writs by him issued, on or before the last return day in each session of the general court, to the end that the same may be docketed and proceeded on. All and every act or act of

assembly, coming within the purview and meaning of this act, shall be, and they are hereby repealed. This act shall commence and be in force on the first day of January, one thousand seven hundred and eighty-six.

Commence-
ment of act.

CHAP. II.

(Chap. XII
in original.)

An act for keeping in repair the pass at Rockfish Gap.

I. WHEREAS it would greatly contribute to the ease and convenience of many counties to the westward of the Blue Ridge, that the pass through the same, at the place known by the name of Rockfish Gap, should be made as easy and accessible as possible: And whereas it would peculiarly contribute to the benefit of the counties of Augusta and Rockbridge, that the great road leading through the said gap, should not only for the present be repaired, but also kept in repair; and as the said counties are willing to be at the expence thereof,

II. *Be it enacted*, That the magistrates for the counties of Augusta and Rockbridge, at their respective courts to be held in the month of February next, are hereby directed and required, to assess on each tithable in the said counties the sum of twelve pence, for the purpose of repairing the said road; and that, on ten days after holding the said courts, a list of the tithables, with the tax annexed to each, shall be delivered to the sheriffs of the respective counties, who shall collect the same, as other taxes are, and make return thereof to their respective courts within six months; for which they shall be allowed five per cent. to be paid out of the money by them collected.

Provision for
keeping the
road over
Rockfish gap
in repair,
by the courts
of Augusta
and Rock-
bridge.

III. *And be it further enacted*, That the said courts shall appoint a commissioner, in whose hands the money collected as above, shall be deposited, and shall pay out the same agreeable to the directions of the court of Augusta, who are hereby empowered and di-

rected to superintend this business. The court of Augusta shall also, at their ensuing February court, advertise that they will on the first Monday in March, let the repairing of the said road to the lowest bidder, and any three shall attend at that day on the spot for that purpose. The magistrates of the said court shall also, in the name of both counties, take bond with good security of the person or persons contracting to repair the same, that it shall be done in such time and manner as they may think best, and engage on behalf of the said counties for payment thereof. And in case the party contracting, shall fail to perform his contract, the said court is empowered to proceed against him as the law directs; and that the penalty arising from such failure, shall be deposited in the hands of the commissioner aforesaid (who shall also be amenable to the said court for the performance of his trust) and applied to the purposes of this act.

IV. *And be it further enacted,* That the aforesaid county courts of Augusta and Rockbridge, shall, whenever they shall find it necessary, levy a sufficient sum on their respective counties, for the purpose of keeping the said road in repair; which sums so levied, shall be deposited as aforesaid, for the sole purpose of keeping the same in repair; provided that the said tax so levied in each county shall be uniform, and that it shall not on each tithable exceed the sum of four pence. Should any or all of the magistrates of the aforesaid counties, refuse, or fail to put this act into execution, according to the intent and meaning thereof, they shall severally forfeit the sum of fifty pounds; to be recovered by bill, plaint, or information, in any court of record, one half to the use of the informer, the other to be applied to the purpose of this act.

CHAP. III.

[Chapter
XLII in ori-
ginal.]*An act for altering the court day of
the county of Chesterfield.*

I. *BE it enacted by the General Assembly, That a* Court day of
court for the county of Chesterfield shall, from and after Chesterfield
the first day of April next, be held on the second Thurs- county alter-
day in every month; any law to the contrary thereof not- ed.
withstanding.

CHAP. IV.

[Ch. XLIII in
original.]*An act for altering the boundary line
between the Glebe lands of the pa-
rish of Manchester, in the county of
Chesterfield, and the lands of Wil-
liam Logwood.*

I. WHEREAS it hath been represented to this pre-
 sent general assembly, that it will be mutually advan-
 tageous to the parish of Manchester, in the county of
 Chesterfield, and William Logwood, to straighten the
 line between the glebe lands and the land of the said
 Logwood, which are at present bounded by Isham's
 branch, and which from its meanderings makes up-
 wards of forty courses in less than a mile:

II. *Be it therefore enacted by the General Assembly,* Boundary
That the vestry of the said parish shall be, and they line between
are hereby empowered, to straighten the line between glebe of pa-
the said lands, and to exchange, by deed, to be record- rish of Man-
ed in the court of the said county, such parts of the chester, in
glebe land as will by this means be annexed to the Chesterfield
land of the said Logwood, for such parts of his land county, and
as will be annexed to those of the said glebe. lands of Wil-
 liam Log-
 wood, alter-
 ed.

[Chap. XLIV
in original.]

CHAP. V.

An act for altering the place of holding courts in the county of Prince George.

I. WHEREAS it hath been represented to this assembly, that the situation of the court-house in the county of Prince George, is very inconvenient to a great part of the inhabitants of the said county:

Place of holding courts in Prince Geo. county, altered.

II. *Be it therefore enacted*, That the justices of the peace for the said county of Prince George, or a majority of them, shall fix upon a place for holding courts in the said county, at or as near the centre thereof, as the situation and convenience will admit of; and thenceforth the said court shall proceed to erect the necessary public buildings at such place, and when such buildings shall be completed, courts for the said county shall be held at the said place.

[Chap. XLV
in original.]

CHAP. VI.

An act to amend the act, intituled, An act for dissolving several vestries; and appointing overseers of the poor in certain counties.

I. WHEREAS it is represented that in many counties within this commonwealth the sheriffs have neglected to hold elections of overseers of the poor at the time directed by the act for dissolving several vestries, and electing overseers of the poor, and it is doubted whether such elections can be made at any other time within three years: For remedy whereof,

Overseers of the poor, to be elected in those counties, where the sheriffs have failed to hold elections.

II. *Be it enacted*, That the sheriffs of the said counties where such elections ought to have been made, and were not, shall proceed to elect overseers of the poor in like manner as is directed in the said recited act; and the overseers so chosen, shall continue in of-

see until the next general election of overseers of the poor for said counties; and have the same powers, and be subject to the same penalty, as if they had been elected at the time prescribed by the said act. All proceedings had or done by the overseers of the poor, conformable to law, after the time of their continuance in office expired, and before a new election takes place, shall be as valid and effectual as if had or done within the time for which they were by law authorized to act.

CHAP. VII.

Chap. XLVI
in original.

An act to amend and reduce the several acts for appropriating the public revenue, into one act.

I. WHEREAS it hath become necessary to amend the laws for appropriating the public revenue, and to reduce the several appropriations thereof into one act; Appropriation of the revenue.

Be it enacted by the General Assembly, That the money arising from the tax of one and an half per centum on lands and lots, shall be applied as follows: One tenth part thereof shall be applied to the redemption of the paper money funded agreeable to the recommendation of congress of the eighteenth of March, one thousand seven hundred and eighty; the interest arising on the paper money of this state funded, at the rate of one thousand pounds paper for one pound specie, shall also be made good out of the said tax; and so much thereof as arises from lands and lots within the borough of Norfolk, shall be applied annually to the payment of a debt due from the public to the said borough, for public buildings belonging to the same, destroyed by order of convention, until the value of the same shall be fully paid; and all the rest of the money arising from the said tax on lands and lots, shall be paid to congress towards this state's quota of the debts due by the United States: One half of the money arising from the tax on slaves, shall be applied to the redemption of the debt Of the land tax.

VOL. XV.

E 3

Of the poll-
tax, and tax
on personal
property.

due to the army and navy of this state, agreeable to an act, intituled "An act for providing certain and adequate funds for the redemption of certificates granted to the officers and soldiers of the Virginia line, on continental and state establishments, for their arrears of pay and depreciation;" and so much of the other half thereof shall be paid to congress, as will annually make up, together with the land tax, the sum of four hundred thousand dollars: The money arising under the revenue law from the taxes on free male tithables and taxable property, shall form a general fund, ten thousand pounds of which per annum shall be at the disposal of the executive, to defray the contingent charges of government; and five thousand pounds reserved, to be disposed of by votes of the general assembly, as the public exigencies may require; from the said fund shall also be paid the salaries to the officers of civil government and the wages of the members representing this state in congress, and five thousand pounds annually shall be taken out of the first receipts thereof to pay the pensions to wounded or disabled officers and soldiers; all warrants to be drawn for payment of money lent the public, on the requisition of the general assembly in the session held in May, one thousand seven hundred and eighty, or of Thomas Jefferson, esq. then governor of this commonwealth, shall be paid out of the said fund; the interest arising on the loan office debt registered in the auditors office before the passing of this act, or which shall be registered in the said office on or before first day of May next, shall also be made good out of the said fund, warrants for such interest being previously issued agreeable to law; all arrearages due to military pensioners, and all warrants heretofore drawn on the contingent or military funds, shall be made good out of the said general fund; and all sums of money voted by the general assembly during the present session to be paid out of the revenue of one thousand seven hundred and eighty-four, and not otherwise provided for, and all former votes for the payment of money arising from the two-tenths of unappropriated revenue, shall be made good out of the said general fund; the said fund shall also be charged with the interest of money due by the public for slaves that have been executed agreeable to law, warrants for which interest, at the rate of five per centum per annum, shall

be issued on the first day of January annually; and the warrants granted to venire-men and witnesses, for their attendance on criminal prosecutions, and apprehenders of horsestealers, shall be made good out of the said fund. And whereas certain duties on merchandize imported, and also a tax of four shillings per hoghead on all tobacco exported, have been assigned in aid of the slave tax, and other funds established for the payment of the principal and interest of the certificates granted to the officers and soldiers for their arrears of pay and depreciation, the first payment of such principal to commence on the first day of January, one thousand seven hundred and eighty-five, and from the various postponements of the collection of the taxes, these funds have not hitherto proved adequate to such payment, and it is judged absolutely necessary for the support of public credit, that the fullest assurance shall be given for the punctual payment of the interest of those certificates;

II. *Be it therefore enacted*, That provided the money arising from half of the slave tax of one thousand seven hundred and eighty-four, the collection of which hath been postponed to January, one thousand seven hundred and eighty-five, shall, together with the duties on merchandize imported and tobacco exported, and appropriated to the payment of the said military debt, prove insufficient for the payment of the warrants that have heretofore issued, or may issue in the year one thousand seven hundred and eighty-five, for interest of the said certificates, all such warrants shall be made good out of the general fund; and if there shall be any excess or overplus from the said half of the slave tax and other funds assigned for the payment of the said military debt, over and above the payment of the warrants heretofore issued, or which may issue in the year one thousand seven hundred and eighty five for the payment of the interest of the said debt, all such excess or overplus arising within the year one thousand seven hundred and eighty five shall be applied in aid of the said general fund: Ten thousand pounds shall be applied in the year one thousand seven hundred and eighty-five to the purchase of arms and ammunition, agreeable to an act of the present session, which shall be made good out of the money arising from the land office, not otherwise appropriated; and if the same shall

Appropriation of duties on goods imported, and tobacco exported.

prove insufficient, the residue shall be drawn from the general fund: Thirty thousand pounds shall be paid in the year one thousand seven hundred and eighty-five in discharge of debts due by this state to persons who are not citizens thereof; all the money arising from the sale of the Gosport lands, shall be applied to the payment of the said debts, and in aid thereof, the money arising from the duty of two and a half per centum on merchandize imported, and from the tax on law process and alienations, shall also be applied. And that immediate provision be made for paying part of the said debts, the sum of ten thousand pounds shall be drawn from the arrearages of taxes for the year one thousand seven hundred and eighty-three: And if the several funds herein appropriated to the payment of such debts, shall not be sufficient to make up the aforesaid sum of thirty thousand pounds, the same shall be made good from the general fund. And if the said appropriations shall on or before the last day of December, one thousand seven hundred and eighty-five, exceed the said sum of thirty thousand pounds, such excess or overplus shall be applied in aid of the general fund. Such creditors of the public, within the aforesaid description, whose claims are established or directed to be paid by vote of the general assembly during the present session, shall be first paid out of the said funds so much as may be directed by such vote or resolution, and the balance shall be apportioned by the governor amongst any of the foreign creditors, in such manner as to him, with advice of council, may seem reasonable. In aid of the funds heretofore appropriated by an act, passed in the year one thousand seven hundred and eighty-two for payment of the debts due in the commercial department, ten thousand pounds shall be drawn from the arrearages of one thousand seven hundred and eighty-three, of which ten thousand pounds, six thousand pounds thereof shall be paid to the late agent, David Rots, in part of the debt due to him from the public, and the balance thereof shall be apportioned amongst all the creditors in the said department, in such manner as to the governor, with advice of council, may seem proper. The tax arising from five shillings per hundred acres to be paid on each hundred acres of land included in any patent, agreeable to an act of the present session, shall be applied first to the payment of the balance due on the

Appropriation of tax on patents.

claim of Thomas Bentley, and then to the payment of the interest arising on the debts due by this state to sundry persons for services rendered in the western country, and whose claims are established by report of the commissioners appointed to liquidate the same, and the governor is hereby empowered to direct the auditors of public accounts to issue warrants for the payment of such interest in favor of those creditors coming within the description aforesaid, as may to him, with advice of council, appear entitled to a preference; and no such warrants shall issue but by special direction of the governor, as aforesaid, or by vote or resolution of the general assembly, and it shall be expressed in the body of such warrant from what fund the same shall be paid; and provided the money arising from the same shall exceed the amount of the interest warrants which the governor, with advice aforesaid, may direct to be issued, then it shall and may be lawful for the governor, with advice of council, to direct that payment shall be made out of the same in discharge of the whole or any part of the principal due to any such creditor or creditors, who may, in his opinion, deserve a preference therein. All the money arising from the sale of tobacco saved when the tobacco warehouse at Rockey Ridge was destroyed by fire, shall be apportioned by the treasurer amongst the persons entitled to the same, agreeable to a report made by the commissioners appointed by an act, intituled "An act to appoint commissioners to state and settle the losses sustained by the burning the warehouses at Rockey Ridge," except so much as relates to the payment of sixteen hogsheads noted by the said commissioners as remaining doubtful, and five hogsheads of re-landed tobacco, which the said commissioners are hereby authorized and empowered to make farther inquiry into and report to the assembly at their next session. And the treasurer is hereby further authorized and empowered to apportion all the money arising from the additional tax of three shillings per hogshead on tobacco exported, agreeable to the act before recited, amongst the several persons entitled to the same, agreeable to the aforesaid report, at such times and in such manner as may to him appear most proper, first paying to the clerk of the said commissioners, the sum allowed him by the said commissioners for his services; and the treasurer shall lay an ac-

On tobacco
exported.

count of his proceedings herein before the general assembly at their next meeting. And whereas great part of the money arising from the said duty of three shillings may remain a considerable time in the hands of the inspectors, unless they are by law required to make speedy payment thereof,

Inspectors
when to ac-
count & pay.

III. *Be it therefore enacted*, That the several inspectors of tobacco within this commonwealth, shall pay into the treasury, on the first day of May next, or within ten days thereafter, all the money in their hands, or with which they are chargeable on the said first day of May, deducting a commission of two and an half per centum for their trouble. And if any inspector or inspectors, shall fail to account and pay into the treasury all money with which they are chargeable under the said law, deducting their commission, on or before the first day of October next, such inspector, so failing, shall pay fifteen per centum damages on the amount of such money; to be recovered, by motion of the solicitor general, before any court of record in this commonwealth, giving ten days previous notice in writing to such delinquent. So much of every act as comes within the purview of this act, shall be, and the same is hereby repealed.

Ch. XLVII
in original.

CHAP. VIII.

An act to explain and amend the act to levy certain taxes in aid of the public revenue.

I. WHEREAS doubts have arisen, and defects been experienced, on the act, intituled "An act to levy certain taxes in aid of the public revenue, and to apply the same in payment of the debts due to foreign creditors," and it is expedient that the same be explained and supplied:

Repeal of former act.

II. *Be it enacted by the General Assembly*, That the said recited act be repealed, and that the following

taxes be paid in lieu of those imposed by the said act, that is to say: On each writ, declaration in ejectment, subpoena, or citation, instituting any suit in the general court, high court of chancery, or court of admiralty, the sum of six shillings; on each writ, declaration in ejectment, or subpoena, instituting any suit in the court for the district of Kentucky, six shillings; on each writ, declaration in ejectment, or subpoena, instituting any suit in a county court, or court of hustings, three shillings; on each appeal to the high court of chancery, twelve shillings; on each writ of error, supersedeas and habeas corpus, cum causa, certiorari, issued from the general court or high court of chancery, or from the court for the district of Kentucky, six shillings; on each appeal from any county court, or court of hustings, six shillings; one half of the said taxes shall by the respective clerks be taxed in the bill of costs: On each deed concerning any improved lot or lots, or part of a lot, in any city or incorporated town, for each lot or part of a lot, twelve shillings; on each deed concerning any unimproved lot or lots, or part of a lot, in any city or incorporated town, for each lot or part of a lot, six shillings; on each deed concerning any improved lot or lots, or part of a lot, in any unincorporated town, for each lot or part of a lot, six shillings; on each deed concerning any unimproved lot or lots, or part of a lot, in any unincorporated town, for each lot or part of a lot, three shillings; provided, that unless the party to whom such conveyance may be made shall produce to the clerk of the court a certificate, under the hand and seal of a justice of the county, that the lot or lots, or part of a lot, so conveyed, are unimproved, he shall pay the same tax as is hereby imposed on an improved lot or lots, or part of a lot; on each deed concerning other lands, for every hundred acres contained in such deed, three shillings; on each other deed, three shillings; on each probat of wills, or grant of administration, where lands or slaves are concerned, twelve shillings; on each probat of wills, or grant of administration, where neither lands nor slaves are concerned, six shillings; on each certificate under the seal of any county or corporation, six shillings; on each admission of attornies to practice in the court of appeals, in the superior courts, or the court of the district of Kentucky, fifteen punds; on each admission of attornies to

Tax on law
process.

On appeals.

On deeds.

On probats of
wills, and ad-
ministrations.

On seals of
court.

On attornies.

practice in any inferior court, for each court twenty shillings. And for the more effectual collection of the said taxes,

Taxes to be
paid down.

III. *Be it enacted*, That no writ, subpoena, citation, or any writ of error, supersedeas, certiorari, or habeas corpus, cum causa, shall be issued, or declaration in ejectment filed, by any clerk, unless the taxes hereby respectively imposed thereon be first paid down; that in all appeals, no transcript of the record shall be delivered to the appellant by the clerk of the court, or forwarded by him to a superior court, before the tax imposed thereon be paid; that no certificate under the seal of any county or corporation, shall be granted until the tax thereon shall have been first paid to the clerk keeping such seal; that no attorney be admitted to take the oath required by law, or to appear in any suit in the court of appeals, in a superior court, or the court of the district of Kentucky, or in any county or other inferior court, until he shall have first paid the tax hereby imposed on such admission to the clerk of the court. *Provided*, That after an admission of an attorney into any one of the superior courts, including the court of appeals, no tax shall be required for his admission into either of the other superior courts.

Clerks, when
to account
and pay.

IV. *And be it further enacted*, That the clerks of the several courts aforesaid shall respectively, on or before the first day of April, and first day of October, in every year, account for on oath, and pay into the public treasury, all the monies which by this act they are authorized to receive, after a deduction of five per centum therefrom, as a commission for the service hereby imposed; and in case of fraud herein by any clerk, he shall, on conviction thereof, be deprived of his office.

Tax on trans-
fer of survey-
ors' certifi-
cates.

V. *And be it further enacted*, That there shall be paid two shillings and six pence for every transfer of a surveyor's certificate for land, to be collected by the register of the land office before the issuing of the patent; for every attestation, protestation, and all other instruments of publication from a notary public, under his seal of office, two shillings and six pence, to be collected and accounted for by the said notary public; and six shillings for each certificate under the seal of the commonwealth, to be collected by the clerk of the council before the delivery of such certificate; which last mentioned taxes shall be accounted for and paid in

Notarial seal's

Seal of com-
monwealth.

the like manner, and with the like commission for collecting, as is directed in the case of other taxes imposed by this act. This act shall commence and be in force from and after the first day of March next.

CHAP. IX.

[Ch. XLVIII
in original]

An act concerning entries and surveys on the western waters.

I. WHEREAS several persons, having early entries and locations for large tracts of land, in order to procrastinate the charge of surveying and the payment of taxes, refuse or neglect to survey them, While others, who have adjacent entries and locations of later date, are desirous to sue out grants and pay taxes for their lands: In aid therefore of the present means to compel surveys upon the said entries,

II. *Be it enacted*, That all entries made in the county surveyors books on the western waters, other than the entries made by virtue of officers and soldiers claims for military services, before the passing of this act, shall be surveyed, and the surveys thereof returned as the law directs on or before the first day of February, one thousand seven hundred and eighty-six; and that all future entries on the said waters, shall be in like manner surveyed and returned within one year after the date of every such entry. If any entry shall not be surveyed and returned within the terms aforesaid, it shall be lawful for any person to enter for and locate the said lands, in like manner as if such prior entry had not been made.

Limitation for
surveying en-
tries on west-
ern waters,
already made

Of future en-
tries.

Forfeiture,
for neglect

[Chapter
XLIX in ori-
ginal.]

CHAP. X.

An act to amend an act, intituled, An act for establishing the town of Kempsville, in the county of Princess Anne.

Powers of
trustees of
town of
Kempsville,
enlarged.

I. WHEREAS it hath been represented to the general assembly that the proprietors of the town of Kempville, in the county of Princess Anne, are likely to sustain considerable injuries from the restricted powers given the trustees by the act establishing the said town: For remedy whereof,

II. *Be it enacted*, That the trustees, or any five of them, shall, and they are hereby directed and required, to lay off the said town in such manner as will be least prejudicial to the proprietors thereof.

CHAP. XI.

[Chap. I.
in original.]

An act for establishing several new ferries.

New ferries
established.

Rates.

I. *BE it enacted by the General Assembly*, That public ferries shall be constantly kept at the following places, and the rates for passing the same as followeth, that is to say: From the lands of Ralph Humphreys, in the county of Hampshire, across the south branch of Potowmack river to the opposite shore, for a man four pence, and for a horse the same; from the lands of Henry Martin, the younger, in the county of Fluvanna, across the north fork of James river to the opposite shore, for a man four pence, and for a horse the same: And for the transportation of wheel carriages, tobacco, cattle, and other beasts, at the places aforesaid, the ferry-keepers may demand and take the same rates as are by law established at other ferries, and no more. If the ferry-keeper at either of the said places, shall demand

or receive any greater rates than are hereby allowed for the carriage or ferriage of any thing, he shall, for every such offence, forfeit and pay to the party grieved, the ferriages demanded or received, and ten shillings; to be recovered with costs, before a justice of the peace of the county where the offence shall be committed.

CHAP. XII.

[Chap. LI
in original.]

An act appropriating the fees of the land office in aid of the public revenue, and placing the register, his deputies and assistants, on the civil list.

I. THE profits accruing to the register of the land office being much greater than the legislature expected or intended at the appointment of that officer, and greater than the duties of that office require;

II. *Be it therefore enacted*, That from and after the first day of February next, all the fees thereafter to be received by the register, deputy register, or any other person, for services of every nature and kind whatsoever, to be performed in the land office, shall be accounted for with the auditors, and paid regularly into the treasury, at the end of every six months, in the following manner: The deputy register shall account, on oath, with the register of the land office, for all fees by him received from time to time, and the register of the land office shall in like manner account with the auditors of public accounts for the whole profits, making oath that the fees so accounted for are the whole profits accruing from the said office, so far as he knows or believes, up to the date of such account, and moreover his accounts of fees received shall be fairly stated, and compared by an auditor with the books of his office, before the account shall be passed. If the register of the land office shall at any time fail to account, according to the directions of this act, for the space of

Fees of land office to be paid into the treasury.

When register to account.

Penalty for failure.

Bond and security.

Fees to be paid down.

Fees credited to be accounted for, as if paid.

Register placed on the civil list.

His salary, & that of his deputy.

Vacancy in office of register, how supplied.

Fees, on determination of caveat, how paid.

the month, he shall forfeit and pay the sum of ten thousand pounds, to be recovered in the name of the governor or chief magistrate for the time being, in any court of record, by the solicitor, on thirty days previous notice; and if the deputy register shall at any time fail to account, according to the directions of this act, for the space of six months, he shall forfeit and pay the like sum to the register, to be recovered by him, on thirty days previous notice in like manner; and in both cases the onus probandi shall lie on the defendant. The deputy register shall enter into bond and sufficient security to the register, and the register to the governor or chief magistrate for the time being, and his successors, for the due and faithful execution of their respective offices. On receiving each survey into the register's office, the fees established by law, that will accrue on the same, including the issuing of the grant thereupon, shall be paid down; and if either the register or deputy register shall credit any person, they shall account for the fees so credited in the same manner as if they had been received. And that provision may be made for the payment of a salary to the register of the land office, adequate to his services,

III. *Be it further enacted*, That from and after the said first day of February he shall be considered as one of the civil list, and shall have and receive the sum of eleven hundred pounds annually; and a deputy to reside on the western waters, to be paid also by the public, at the rate of two hundred pounds per annum: All which allowances shall be paid in the same manner as other salaries of the civil list are payable.

IV. *And be it further enacted*, That in case of vacancy in the said office, during the recess of the general assembly, the governor, with the advice of council, is hereby authorized and required to supply such vacancy, subject to the future confirmation of the legislature. And whereas, in the cases where surveys are returned into the land office, it may happen that caveats will be entered against some of the surveys, and the person in whose favor the surveys are made may lose the benefit of the surveys by the event of the caveat: To remedy which,

V. *Be it enacted*, That whenever upon a caveat the general court shall determine in favor of the caveator, all the fees he shall pay into the register's office in con-

sequence of such determination, in order to obtain his patent, shall be by the register paid to the person who in the first instance upon the return of the survey hath been compelled to pay the fees.

CHAP. XIII.

[Chap. LII
in original.]

An act to provide for the more effectual collection of the tax of five shillings per hundred acres on lands granted by patent, and to appropriate the money arising therefrom.

I. WHEREAS the laws directing the payment of the tax of five shillings per hundred acres on all lands included in any patent where the same shall exceed ~~fourteen~~ ^{fourteen} hundred acres, have been found imperfect For remedy whereof,

Tax on lands,
included in
patents, when
payable.

II. Be it enacted by the General Assembly, That from and after the passing of this act, there shall be paid to the register of the land office the aforesaid tax of five shillings per hundred acres on all lands included in any patent, at the time of issuing the patent for the same, except on patents granted to persons entitled to lands by pre-emption or settlement rights, or for military bounties, or to those claiming under such persons entitled to pre-emption or settlement rights by marriage, marriage settlement, descent, or devise.

Patents, for
pre-emption
rights, & mili-
tary bounties
excepted.

III. And be it further enacted, That the money arising from the aforesaid tax shall be appropriated towards the payment of interest due or which may hereafter become due to the creditors of this state on the western waters, whose claims have been ascertained by commissioners appointed for that purpose, in such manner as the general assembly shall hereafter direct.

Appropriation of tax.

IV. And be it further enacted, That so much of any act or acts, as comes within the purview of this act, shall be, and the same is hereby repealed.

Chap. LIV in
original.

CHAP. XIV.

An act respecting future confiscations.

No future
confiscations
to be made.

I. WHEREAS it is stipulated by the sixth article of the treaty of peace between the United States and the King of Great-Britain, that there shall be no future confiscations made;

II. *Be it enacted*, That no future confiscations shall be made; any law to the contrary notwithstanding. *Provided*, That this act shall not extend to any suit depending in any court, which commenced prior to the ratification of the treaty of peace.

Chap. LIV in
original.

CHAP. XV.

An act for further continuing the act, intituled, An act concerning pensioners.

See ante p.

I. WHEREAS the act of assembly, passed in the year one thousand seven hundred and eighty-two, intituled, "An act concerning pensioners," which has been continued by several subsequent acts, will expire at the end of the present session of assembly, and it is expedient that the same should be further continued:

Act concern-
ing pension-
ers further
continued.

II. *Be it therefore enacted*, That the act, intituled "An act concerning pensioners," shall continue: and be in force from and after the expiration thereof, for and during the term of three years, and from thence to the end of the next session of assembly, and no longer.

Executive au-
thorized to
pay persons
on the pen-
sion list.

III. *And be it further enacted*, That the executive shall be, and they are hereby authorized and empowered, to put on the list of pensioners, with such allowances as to them shall seem just, all regular or militia officers and soldiers who have been wounded or otherwise disabled in the service of their country, upon application being made to them therefor. And whereas

the said recited act, intituled "An act concerning pensioners," directs the courts of the several counties within this commonwealth to inquire into the bodily ability of all persons receiving annual pensions from the public, and to certify to the general assembly whether in their opinion they ought to be continued on the pension list;

IV. *Be it therefore enacted*, That the said returns shall be made to the executive, who are hereby authorized to continue or discontinue the said allowances, as to them shall seem proper. So much of any act or acts, as comes within the meaning of this act, is hereby repealed.

County courts to certify condition of pensioners to executive, instead of assembly.

CHAP. XVI.

Chap. LV is original.

*An act authorizing the governor, with the advice of the council, to suspend, when necessary, the surveying of certain lands in the western country.**

1. WHEREAS it has been represented to the present general assembly, that the taking possession of, or

* In consequence of this act, two proclamations were issued by the governor, the one on the 6th of January, 1785, the other on the 25th of January, 1787. The first cannot now be found; but the last, which refers to it, is here inserted.

" VIRGINIA, TO WIT

By *Geo. Governor of the Commonwealth.*

A PROCLAMATION.

Whereas, in pursuance of the act of the General Assembly, intituled, "An act authorising the governor, with the advice of the council, to suspend, when necessary, the surveying of certain lands in the Western country," his excellency the governor with the advice of the council of state, on the 6th day of January, in the year of our Lord, 1785, did suspend the taking possession and surveying of any lands on the north-west side of the Ohio, or below the mouth of the river Tennessee, until authority for that purpose should thereafter be given; it appearing that the tranquility of the government did at that time require such suspension; but whereas the United States in congress assembled, on

Governor authorized to suspend, by proclamation, the taking possession of, or surveying the lands reserved for the officers and soldiers of the Virginia line, and the Illinois regiment.

surveying the lands, in the western territories of this state, which have been granted by law as bounties to the officers and soldiers of the Virginia line, will produce great disturbances.

II. *Be it therefore enacted*, That the governor, with advice of the council, shall be, and he is hereby authorized and empowered, to suspend, for such time as he may think the tranquility of the government may require, the surveying or taking possession of those lands that lie on the north-west side of the river Ohio, or below the mouth of the river Tennessee, and which have been reserved for the officers and soldiers of the Virginia line, and the Illinois regiment.

Chap. LVI in original.

CHAP. XVII.

An act for establishing and reviving inspections of tobacco at sundry places.

Inspections of tobacco, at Hood's warehouse, in Prince Geo. and at Kemp's in Middlesex, revived.

I. *BE it enacted by the General Assembly*, That the inspection of tobacco at Hood's, in the county of Prince George, shall be, and the same is hereby revived and established; and there shall be allowed and paid to each of the inspectors thirty pounds per annum.

II. *And be it further enacted*, That the inspection of tobacco at the place where Kemp's warehouse

the 9th day of May in the year of our Lord, 1786, did resolve, "That the surveyors appointed pursuant to the ordinance for ascertaining the mode of disposing of lands, in the western territory, should proceed in the execution thereof, within the east and west line therein mentioned;" and the superintendants of the surveys to be made on the lands, allotted to the Virginia line on continental establishment, have requested, that so much of the said proclamation as relates to the lands on the north-west side of the Ohio should be annulled, I have therefore thought fit, with the advice of the council of state, hereby to annul so much of the said proclamation as relates to the lands on the north-west side of the Ohio.

Given under my hand and the seal of the commonwealth, this 25th day of January, in the year of our Lord, 1787.

EDM. RANDOLPH.

formerly stood, upon Pianketank river, in the county of Middlesex, shall be, and the same is hereby revived; and there shall be paid and allowed to each of the inspectors fifteen pounds per annum. And whereas it is represented to this present general assembly, that a new inspection of tobacco on the lands of Jacob Rubsamen, in the town of Manchester, will be of public utility;

III. *Be it therefore enacted*, That an inspection of tobacco shall be, and the same is hereby established on the lands of the said Jacob Rubsamen, in the said town of Manchester, which shall be called and known by the name of Manchester; and the transfer notes issued by the inspectors thereof, shall be payable for public dues in the same manner as those of Rocky Ridge; there shall be paid to each of the inspectors at Manchester warehouse the sum of sixty pounds per annum. And whereas, the situation appointed by law whereon the warehouse for the inspection of tobacco in the town of Portsmouth was to be erected, is found inconvenient;

Manchester warehouse, in town of Manchester established.

IV. *Be it therefore enacted*. That the said warehouse shall be built on the lands of Thomas Veal, in the said town, any law to the contrary notwithstanding.

Warehouse, in Portsmouth to be erected on land of 'Thomas Veal'

CHAP. XVIII.

Chap. LVII
in original.

An act to revive an act, intituled An act for adjusting claims for property impressed or taken for public service.

I. WHEREAS the act of assembly, passed in the year one thousand seven hundred and eighty-one, intituled "An act for adjusting claims for property impressed or taken for public service," which was continued and amended by several subsequent acts, hath expired: And whereas there are many claims still due to the good people of this commonwealth, for property impressed or taken from them for public use, which cannot be liquidated and allowed, unless the said recited act is revived:

Act for adjusting claims for property impressed for public service revived.

II. *Be it therefore enacted*, That the act, intituled "An act for adjusting claims for property impressed or taken for public service," is hereby revived, and shall continue and be in force, from and after the passing of this act, until the first day of August next, and no longer.



[Chap. LVIII
in original.]

CHAP. XIX.

An act for clearing and improving the navigation of James river.

James River
company in-
corporated.

I. WHEREAS the clearing and extending the navigation of James river from tide water upwards to the highest parts practicable on the main branch thereof, will be of great public utility, and many persons are willing to subscribe large sums of money to effect so laudable and beneficial a work; and it is just and proper that they, their heirs, and assigns, should be empowered to receive reasonable tolls in satisfaction for the money advanced by them in carrying the work into execution, and for the risk they run: And whereas it may be necessary to cut canals and erect locks, or other works on the sides of the said river:

Books to be
opened for
subscription.

II. *Be it enacted by the General Assembly*, That it shall and may be lawful to open books in the city of Richmond, the borough of Norfolk, at Botetourt courthouse, at the town of Lewisburg, in Greenbrier county, and at Charles Irving's store, in Albemarle, for receiving and entering subscriptions to the amount of one hundred thousand dollars, for the said undertaking, under the management of Turner Southall and James Buchanan, in the city of Richmond; of Robert Taylor, John Kearnes, and Thomas Newton, jun. in the borough of Norfolk; of William Cabell and Charles Irving, at Irving's store; Patrick Lockhart and George Skellern, at Botetourt courthouse; George Clendinen and Andrew Donnolly, at Lewisburg; which subscriptions shall be made personally, or by power of attorney, and shall be in Spanish milled dollars, but may be paid in other silver, or in gold coin of the same value. That the said books shall be opened for receiving subscriptions, on the first day of February next, and

continue open until the tenth day of August next inclusive; and on the twentieth day of the said month of August, there shall be a general meeting of the subscribers, at the city of Richmond, of which meeting notice shall be given by the said managers, or any three of them, in the Virginia Gazette, at least one month next before the said meeting. And such meeting shall and may be continued from day to day, until the business is finished. And the acting managers at the time and place aforesaid, shall lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept, containing the state of the said subscriptions, and if one half of the capital sum aforesaid, should, upon examination, appear not to have been subscribed, then the said managers, at the said meeting, are empowered to take and receive subscriptions to make up the deficiency; and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any four or more of them, under their hands, into the general court, to be there recorded. And in case more than one hundred thousand dollars shall be subscribed, then the same shall be reduced to that sum by the said managers, or a majority of them, by beginning at and striking off from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest, and above one share, until the sum is reduced to the capital aforesaid, of one hundred thousand dollars, or until a share is taken from all the subscriptions above one share, and lots shall be drawn between subscribers of equal sums, to determine the number in which such subscribers shall stand on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital as aforesaid, then to strike off by the same rule, until the sum subscribed is reduced to the capital aforesaid, or all the subscriptions are reduced to one share; and if there still be an excess, then lots to be drawn to determine the subscribers who are to be excluded, to reduce the subscriptions to the capital aforesaid, which striking off shall be certified in the list aforesaid; and the said capital sum shall be reckoned and divided into five hundred shares of two hundred dollars each, of which every person subscribing may take and subscribe for one or more whole shares, and not other-

Meeting of
the subscri-
bers.

Amount of
capital.
In case of an
overplus sub-
scription,
of reducing
it.

Capital to be
divided into
600 shares.

Unless one half of capital subscribed, the whole to be void.

wise. Provided, That unless one half of the said capital shall be subscribed, all subscriptions made in consequence of this act, shall be void; and in case one half, and less than the whole of the said capital shall be subscribed as aforesaid, then the president and directors are hereby empowered and directed to take and receive the subscriptions which shall be first offered, in whole shares as aforesaid, until the deficiency shall be made up, a certificate of which additional subscriptions shall be made, under the hands of the president and directors, or a majority of them for the time being, and returned to and recorded in the general court as aforesaid.

To be incorporated as a company.

Style of corporation.

III, *And be it enacted,* That in case one half of the said capital, or a greater sum, shall be subscribed as aforesaid, the said subscribers, and their heirs and assigns, from the time of the said first meeting, shall be, and are hereby declared to be incorporated into a company, by the name of the "James River Company," and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors, for conducting the said undertaking, and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribers, or a majority of them, shall think fit. And in counting the votes of all general meetings of the said company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in the said company; and any proprietor, by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

Rules for electing officers.

Authority of president and directors, to make contracts.

IV. *And be enacted,* That the said president and directors so elected, and their successors, or a majority of them assembled, shall have full power and authority, to agree with any person or persons, on behalf of the said company, to cut such canals, and erect such locks, and perform such other works as they shall judge necessary for opening, improving, and extending the navigation of the said river above tide water, to the highest part thereof, to which navigation can be extended, and carrying on the same from place to place, and from

time to time, and upon such terms, and in such manner, as they shall think fit; and out of the money arising from the subscriptions and the tolls, and other aids herein after given, to pay for the same, and to repair and keep in order the said canals, locks, and other works necessary thereto, and to defray all incidental charges; and also to appoint a treasurer, clerk, and such other officers, toll gatherers, managers, and servants, as they shall judge requisite, and to agree for and settle their respective wages or allowances, and to settle and sign their accounts; and also to make and establish rules of proceeding, and to transact all the other business and concerns of the said company, in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein, such sum of money as shall, by a general meeting of the subscribers, be determined. *Provided always*, That the treasurer shall give bond, in such penalty, and with such security, as the said president and directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him for his services, shall not exceed three pounds in the hundred, for the disbursements by him made; and that no officer in the said company shall have any vote in the passing or settlement of his own account.

To appoint officers, and fix their compensation.

Bond and security, by treasurer.

Limitation of compensation.

V. *And be it enacted*, That the said president and directors, and their successors, or a majority of them, shall have full power and authority, from time to time, as money shall be wanted, to make and sign orders for that purpose, and direct at what time, and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the Virginia Gazette; and they are hereby authorized and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for carrying on and executing, or repairing and keeping in order the said works, until the sums subscribed shall be fully paid, and to order the said sums to be deposited into the hands of the treasurer, to be by him disbursed and paid out as the said president and directors, or a majority of them, shall order and direct. And if any of the said proprietors shall refuse or neglect to pay their said proportions, within one month after the same shall

Mode of collecting amount of shares, subscribed for.

May sell shares of delinquent subscribers.

May sue for
deficiencies
arising on
sales.

be so ordered and advertised, as aforesaid, the said president and directors, of a majority of them, may sell at auction, and convey to the purchaser, the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale in the Virginia Gazette; and after retaining the sum due, and charges of sale out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owner; and if such sale shall not produce the full sum ordered and directed to be advanced, as aforesaid, with the incidental charges; the said president and directors, or a majority of them, may, in the name of the company, sue for and recover the balance by action of debt, or on the case; and the said purchaser or purchasers, shall be subject to the same rules and regulations, as if the said sale and conveyance had been made by the original proprietor. And to continue the succession of the said president and directors, and to keep up the same number;

Election of
officers.

VI. *Be it enacted*, That from time to time, upon the expiration of the said term, for which the said president and directors were appointed, the proprietors of the said company, at the next general meeting, shall either continue the said president and directors, or any of them, or choose others in their stead; and in case of the death, removal, resignation, or incapacity of the president, or any of the said directors, may and shall, in the manner aforesaid, elect any other person or persons, to be president and directors, in the room of him or them so dying, removing, or resigning; and may at any of their general meetings, remove the president or any of the directors, and appoint others for and during the remainder of the term, for which such person or persons were at first to have acted.

Vacancies
supplied.

Officers how
removed.

Oath of office

VII. *And be it enacted*, That every president and director, before he acts as such, shall take an oath or affirmation, for the due execution of his office.

Meetings of
the company.

VIII. *And be it enacted*, That the presence of proprietors, having one hundred shares at the least, shall be necessary to constitute a general meeting; and that there be a general meeting of proprietors on the first Monday of October, in every year, at such convenient town as shall be, from time to time, appointed by the said general meeting; but if a sufficient number should not attend on that day, the proprietors who do attend

may adjourn such meeting from day to day, till a general meeting of proprietors shall be had, which may be continued from day to day, until the business of the company is finished, to which meeting, the president and directors shall make report, and render distinct and just accounts of all their proceedings; and on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly general meetings, after leaving in the hands of the treasurer such sum, as the proprietors, or a majority of them, shall judge necessary for repairs and contingent charges, an equal dividend of all the neat profits arising from the tolls hereby granted, shall be ordered and made, to and among all the proprietors of the said company, in proportion to their several shares; and upon any emergency in the interval between the said yearly meetings, the said president, or a majority of the said directors, may appoint a general meeting of the proprietors of the said company, at any convenient town, giving at least one month's previous notice in the Virginia Gazette, which meeting may be adjourned and continued as aforesaid.

IX. And be it enacted, That for and in consideration of the expences the said proprietors will be at, not only in the cutting the said canals, erecting locks, and other works for opening the different falls of the said river, and in improving and extending the navigation thereof, but in maintaining and keeping the same in repair, the said canals and works, with all their profits, shall be, and the same are hereby vested in the said proprietors, their heirs, and assigns, for ever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be for ever exempt from payment of any tax, imposition, or assessment whatever; and that it shall and may be lawful for the said president and directors, at all times forever hereafter, to demand and receive, at the most convenient place, at or near the falls between Westham and tide water, tolls according to the following table of rates, to wit:

In Dollars, and parts of a Dollar.

| <i>Parts of a Dollar.</i> | | |
|--|-----------|--------|
| Every pipe or hogshead of wine, containing more than 65 gallons, - - | 45-72nds. | Tolls. |
| Every hogshead of rum or other spirits, - | 36-72nds. | |

Property vested in the holders of shares, as tenants in common.

Declared real estate.

Exempt from taxation.

| | | |
|--|-----------|--------------|
| Every hogshead of tobacco, | - - - | 30-72nds. |
| Every cask between 65 and 35 gallons, half of a pipe or hogshead, barrels one fourth part, and smaller casks or kegs, in proportion, according to the quality and quantity of their contents of wine or spirits. | | |
| For casks of linseed oil the same as spirits. | | |
| Every bushel of wheat, peas, beans, or flax- seed, | - - - - - | 5-288ths. |
| Every bushel of Indian corn; or other grain, or salt, | - - - - - | 21-2-288ths. |
| Every barrel of pork, | - - - - - | 15-72nds. |
| Every barrel of beef, | - - - - - | 10-72nds. |
| Every barrel of flour, | - - - - - | 30-288ths. |
| Every ton of hemp, flax, pot-ash, bar or manufactured iron, | - - - - - | 1 3-72nds. |
| Every ton of pig-iron, or castings, | - - - - - | 25-72nds. |
| Every ton of copper, lead, or other ore, other than iron ore, | - - - - - | 60-72nds. |
| Every ton of stone, or iron ore, | - - - - - | 12-72nds. |
| Every hundred bushels of lime, | - - - - - | 88-72nds. |
| Every chaldron of coals, | - - - - - | 12-72nds. |
| Every hundred pipe staves, | - - - - - | 6-72nds. |
| Every hundred hogshead staves, or pipe or hogshead heading, | - - - - - | 15-288ths. |
| Every hundred barrel staves, or barrel heading, | - - - - - | 10-288ths. |
| Every hundred cubic feet of plank, or scantling, | - - - - - | 25-72nds. |
| Every hundred cubic feet of other timber, | - - - - - | 55-288ths. |
| Every gross hundred weight of all other commodities or packages, | - - - - - | 15-288ths. |
| Every boat or vessel, which has not com- modities on board, to yield so much; provided that an empty boat or vessel returning, whose load has already paid at the respective places, the sums fixed at each, shall repass toll free. | - - - - - | 1 3-72nds. |
| Which tolls may be discharged in foreign gold or sil- ver coin of the present fineness, at the present rates: But if any of the coin aforesaid, should hereafter be ren- dered less valuable than they are at present, either by lessening their weight, or therewith adding a greater quantity of alloy than is in them respectively at present, | | |

then so much of any of the said coins, the value of which is so reduced, to be received for the tolls aforesaid, as is equal in value to the said coins in their present state of fineness and weight, shall be payable for the said tolls, at their reduced value only. And in case of refusal or neglect to pay the toll at the time of offering to pass through any of the said places, and previous to the vessel's passing through the same, the collectors of the said tolls may lawfully refuse passage to such vessel; and if any vessel shall pass through without paying the said toll, then the said collectors may seize such vessel, wherever found, and sell the same at auction, for ready money, which, so far as is necessary, shall be applied towards paying the said toll, and all expences of seizure, and the balance (if any) shall be paid to the owner; and the person having the direction of such vessel, shall be liable for the toll, if the same is not paid by the sale of such vessel, as aforesaid. *Provided*, That the said proprietors, or a majority of them, holding at least three hundred shares, shall have full power and authority, at any general meeting, to lessen the said tolls, or any of them, or to determine that any article may pass free of toll.

In case of refusal to pay toll, passage to vessels may be refused.

Or vessel may be seized and sold.

Tolls may be reduced.

X. *And be it enacted*, That the said river, and the works to be erected thereon in virtue of this act, when completed, shall forever thereafter, be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities, or produce whatsoever, on payment of the tolls imposed by this act; and no other toll or tax whatever, for the use of the water of the said river, and the works thereon erected, shall, at any time hereafter, be imposed: And whereas, it is necessary for the making the said canal, locks, and other works, that a provision should be made for condemning a quantity of land for the purpose.

River and works to be deemed a public highway.

XI. *Be it enacted*, That it shall and may be lawful, for the said president and directors, or a majority of them, to agree with the owners of any land, through which the said canal is intended to pass, for the purchase thereof; and in case of disagreement, or in case the owner thereof shall be a feme covert, under age, non compos, or out of the state, on application to any two justices of the county in which such land shall lie, the said

Company may purchase lands.

Or, have them
condemned
by a jury.

Proceedings
thereon.

Further dam-
ages, how
compensated.

Justices shall issue their warrants under their hands, to the sheriff of their county, to summon a jury of twenty-four inhabitants of his county of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided there be not less than twelve, shall administer an oath or affirmation to every jurymen that shall appear; "That he will faithfully, justly, and impartially, value the land, (not exceeding in any case the width of one hundred and fifty feet) and all damages the owner thereof shall sustain by the cutting the canal through such land, according to the best of his skill and judgment; and that in such valuation, he will not spare any person for favor or affection, nor any person grieve for hatred, malice, or ill will." And the inquisition thereupon taken, shall be signed by the sheriff, and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded: And upon every such valuation, the jury is hereby directed, to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors, to the owner of the land, or his legal representative; and on payment thereof, the said company shall be seized in fee of such land, as if conveyed by the owner thereof to them, and their successors, by legal conveyance. *Provided nevertheless,* That if any farther damage shall arise to any proprietor of land, in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as any such new damage shall happen, by application to, and a warrant from, any two justices of the county where the lands lie, to have such farther damage valued in like manner, and to receive and recover the same of the said president and directors. But nothing herein shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damages which may happen to mills, forges, or other works or improvements which shall be begun or erected by such proprietor, after such first valuation, unless the same damage is wilfully or maliciously done.

by the said president and directors, or some person by their authority.

XII. *And be it enacted*, That the said president and directors, or a majority of them, are hereby authorized to agree with the proprietors for the purchase of a quantity of land, not exceeding one acre, at or near the places of receipt of tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement, or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned, and paid for as aforesaid, for the purpose aforesaid; and the said company shall, upon payment of the valuation of the said land, be seized thereof in fee simple as aforesaid: And whereas, some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills, forges, or other water works, and the persons, possessors of such situation, may design to improve the same, and it is the intention of this act, not to interfere with private property, but for the purpose of improving and perfecting the said navigation;

Land where-
on to erect
buildings for
toll-houses,
&c how ac-
quired, and
how much.

XIII. *Be it enacted*, That the water or any part thereof, conveyed through any canal or cut made by the said company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land through which the same shall be led, be first had; and the said president and directors, or a majority of them, are hereby empowered and directed, if it can be conveniently done, to answer both the purposes of navigation and water works aforesaid, to enter into reasonable agreements with the proprietors of such situation, concerning the just proportion of the expences of making large canals or cuts capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works as aforesaid.

No water to
be used from
canal but for
navigation,
without con-
sent of pro-
prietors.

XIV. *And be it enacted*, That it shall and may be lawful for every of the said proprietors to transfer his share or shares, by deed executed before two witnesses, and registered after proof of the execution thereof, in the said company's books, and not otherwise, except by devise, which devise shall also be exhibited to the president and directors, and registered in the company's books, before the devisee or devisees shall be entitled to draw any part of the profits from the said tolls. *Pro-*

Shares trans-
ferrable, in
what manner.

Restrictions. *vided*, That no transfer whatsoever shall be made, except for one or more whole share or shares, and not for part of such shares; and that no share shall at any time be sold, conveyed, transferred, or held in trust, for the use and benefit, or in the name of another, whereby the said president and directors, or proprietors of the said company, or any of them, shall or may be challenged, or made to answer concerning any such trust, but that every person appearing as aforesaid to be a proprietor, shall, as to the others of the said company, be to every intent taken absolutely as such, but as between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued.

Shares to be first offered to the public.

XV. *And it is hereby farther provided*, That each proprietor who shall be desirous of selling his share or shares, shall first offer the same to such person as shall be hereafter empowered by the general assembly to purchase shares on public account; and it is hereby declared, that such person acting for the commonwealth, shall have the preference in all such sales, if he will give the same consideration for which the proprietor shall really and bona fide sell. And whereas, it hath been represented to this general assembly, that sundry persons are willing and desirous on account of the great public advantages and improvement their estates may receive thereby, to promote and contribute towards so useful an undertaking, and to subscribe sums of money to be paid, on condition the said works are really compleated and carried into execution, but do not care to run any risk, or desire to have any property therein:

Officers empowered to take in subscriptions.

XVI. *Be it therefore enacted*, That the said president and directors shall be, and are hereby empowered to receive and take in subscriptions upon the said condition, and upon the said works being compleated and carried into execution according to the true intent and meaning of this act, that it shall and may be lawful for the said president and directors, or a majority of them, in case of refusal or neglect of payment, in the name of the company as aforesaid, to sue for, and recover of the said subscribers, their heirs, executors, or administrators, the sums by them respectively subscribed, by action of debt, or upon the case, in any court of record within this state.

XVII. *And be it enacted*, That if the said capital, and the other aids already granted by this act, shall prove insufficient, it shall and may be lawful for the said company, from time to time, to increase the said capital, by the addition of so many more whole shares as shall be judged necessary by the said proprietors, or a majority of them holding at least three hundred shares, present at any general meeting of the said company; and the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's previous notice thereof in the Virginia Gazettes, to open books in the before mentioned places for receiving and entering such additional subscriptions, in which the proprietors of the said company for the time being, shall, and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares, as any of them shall choose. And the said president and directors, are hereby required to observe, in all other respects, the same rules therein as are by this act prescribed for receiving and adjusting the first subscriptions, and in like manner to return under the hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the general court, as aforesaid, to be there recorded; and all proprietors of such additional shares shall, and they are hereby declared to be, from thenceforward incorporated into the said company.

Capital of
company may
be augment-
ed.

XVIII. *And it is hereby enacted and declared*, That the tolls herein before allowed to be demanded and received at the place above-mentioned, are granted, and shall be paid on condition only, that the said "James River Company" shall make the river well capable of being navigated in dry seasons by vessels drawing one foot water at least, from the highest place practicable to the Great Falls, beginning at Westham, and shall at or near the said falls, make such cut or cuts, canal or canals, with sufficient locks, if necessary, each of eighty feet in length, and sixteen feet in breadth, as will open a navigation to tide water, in all places at least twenty-five feet wide, except at such locks, and capable of conveying vessels or rafts drawing four feet water at the least, into tide water, or shall render such part of the river navigable in the natural course.

Conditions on
which tolls
may be de-
manded.

On failure,
charter to be
forfeited.

XIX. *And it is hereby provided and enacted, That in case the said company shall not begin the said work within one year after the said company shall be formed, or shall not compleat the same within ten years thereafter, then shall all the interest of the said company, and all preference in their favor as to the navigation and tolls aforesaid, be forfeited, and cease. Provided, That in case the navigation shall be opened from Westham to tide water, before the opening of the river above Lynch's ferry, the tolls above mentioned may be collected until the expiration of ten years, from the time at which the company shall have been formed.*

Treasurer of
the common-
wealth to
subscribe for
one hundred
shares.

XX. *And be it farther enacted, That the treasurer of this commonwealth shall be authorized and directed to subscribe to the amount of one hundred shares in behalf of the same, and the money necessary in consequence of such subscription, shall be paid as the same shall be required. And the treasurer for the time being, shall have a right to vote according to such shares, in person or by proxy, appointed by him, and shall receive the proportion of the tolls aforesaid, which shall from time to time become due to this state for the shares aforesaid.*

And to vote,
and receive
tolls in pro-
portion.

Acts within
the purview
of this, here-
by repealed.

XXI. *And be it farther enacted, That so much of every act and acts within the purview of this act, shall be, and the same is hereby repealed. Provided nevertheless, That nothing in this act shall be construed so as to take away the right which the representatives of John Ballendine have to that part of the canal which is already begun, and to all the advantages resulting from the same; but the same shall be valued by a jury, in manner and form as before directed and the said representatives shall be entitled to so many shares in the said company, and to so much of the surplus water, as the said jury shall determine; or they shall receive, at their option, the value thereof in money, to be estimated by the said jury.*

CHAP. XX.

Chap. LIX
in original.*An act concerning the appointment of
sheriffs.*

1. *BE it enacted by the General Assembly, That if* the court for any county within this commonwealth shall fail to nominate persons for sheriff, according to the periods prescribed by law, every justice, so neglecting his duty, shall forfeit and pay the sum of fifty pounds. If any person hereafter to be appointed sheriff of any county, shall fail to give bond in two months after his appointment, the clerk of the court shall, within one month thereafter, transmit to the governor for the time being, a certificate of such neglect or failure, under the penalty of one hundred pounds. If any person hereafter to be nominated sheriff of a county, shall fail to make application to the governor for a commission within one month after such nomination, the governor, with the advice of the council, shall and may commission any justice of the peace of the said county to be sheriff of the same. And whereas it is represented to the general assembly, that several sheriffs within this commonwealth have been unable, from the scarcity of money and other circumstances, to complete their collections of the taxes for the year one thousand seven hundred and eighty three, and are liable to interest and damages upon their several arrearages;

Penalty on
courts failing
to nominate
sheriffs.Sheriff failing
to give bond
in 2 months
clerk to certi-
fy such fail-
ure in one
month.Sheriff nomi-
nated, failing
to apply for
commission,
in one month,
executive
may commis-
sion another.

It. *Be it therefore enacted, That the governor, with* advice of council, shall be, and he is hereby empowered, upon good cause to him shewn, to suspend execution upon the judgments obtained against such sheriffs, for three months, or any shorter time, and to remit such interest and damages; provided always, that the expences of the judgments shall be paid by such delinquent sheriffs. The penalties by this act imposed, may be recovered by bill, plaint, or information, in any court of record; one moiety to the use of the informer, the other moiety to the use of the commonwealth.

Executive
empowered
to remit dam-
ages against
sheriffs, for
non-payment
of taxes.

{Chapter
LX in orig-
inal.}

CHAP. XXI.

An act compelling the county court clerks to reside in the county, and to prevent them from removing the records out of the same, and for other purposes.

Preamble.

I. WHEREAS many inconveniencies have arisen, from the clerks of courts residing out of the county where their clerkships are, and great abuses have also arisen in the latitude of power exercised by some of the county courts, in permitting their clerks to remove the records of the county without the same, thereby greatly endangering the property and interest of individuals, citizens, as well of the county as of the commonwealth at large: And whereas it is judged expedient by the present general assembly, that due provision be made by law for the preservation and safe keeping of the public records of each county:

Oath of clerks
of county
courts, and
their depu-
ties.

II. *Be it enacted by the General Assembly, That every person hereafter admitted into office by any county or other inferior court, as clerk or deputy clerk of such court, shall at the time of his admission or appointment to such office, take the following oath: "I, A. B. do swear that I will well and truly exercise the office of* according to the best of my skill and judgment, making due entries and record of all orders, judgments, decrees, opinions, or proceedings of the court, and carefully filing and preserving in my office all books and papers whatsoever, which shall be delivered me in charge, or otherwise come to my hands or possession by virtue of my said office; and that I will not wittingly or willingly commit any malfeasance of office, but in all things and at all times keep my said office free and accessible to every person having a right or claim to business therein, and faithfully executing the duties thereof, without favor, affection, or partiality. So help me God." And if any person shall presume to execute the office of clerk or deputy clerk of any county or other inferior court, without taking such oath, he shall forfeit and pay five hundred pounds, and

Penalty for
acting with-
out.

suffer one year's imprisonment without bail or main-prize.

III. *And be it further enacted,* That every county court clerk shall at the time of his appointment and qualification, as aforesaid, enter into bond, with security to be approved of by the court, in the penalty of one thousand pounds, payable to the governor and his successors for the time being, with condition for the due and faithful execution of his office, and that he will not remove or carry, or suffer to be carried or removed out of the county, the records and papers of the court whereof he is clerk, or any part thereof, except in cases allowed by law; which bond shall by such clerk be transmitted within three months to the clerk of the council for the time being, to be by him registered and preserved among the papers of the executive, and may be prosecuted upon, and the penalty thereof recovered against any such county court clerk, at the discretion of the general court, for any mal-feasance of office; and such clerk failing to transmit such bond to the clerk of the council for the time being, within the term aforesaid, shall forfeit and pay one hundred pounds, or presuming to execute his office without entering into such bond, shall forfeit and pay two hundred pounds, and suffer three months imprisonment.

To give bond.

Not to remove records and papers out of the county.

IV. *And be it further enacted,* That it shall not be lawful for the court of any county, or the clerk of any such court, to remove, or cause to be removed, the records and papers of the same, or any part thereof, without the county, except in cases of actual invasion or insurrection, where in the opinion of the court the same will be endangered, or where for want of such opinion, occasioned by the suddenness of the alarm or danger, the clerk shall at his own discretion remove the same, returning them as soon as the alarm or danger ceases, or except also in other cases heretofore provided for by law; any member of a court, or clerk of the same, offending herein, shall forfeit and pay two hundred pounds.

In what cases records may be removed.

V. *And be it further enacted,* That every clerk or deputy clerk of a county or other inferior court now in office, shall, as soon as may be after the commencement of this act, take the oath of office herein before prescribed; any such clerk failing herein for the space

Every clerk appointed since the 4th of June 1776, to reside in his county.

of six months from the commencement of this act, shall forfeit and pay one hundred pounds. Every clerk appointed since the fourth day of June, one thousand seven hundred and seventy-six, as well as those hereafter to be appointed, shall moreover reside within the county in which they shall hold their office, under penalty of being incapacitated therefrom, by information in the general court. All the penalties by this act imposed shall be prosecuted for, and recovered, by bill, plaint, or information, in any court of record; one moiety to the use of the informer, and the other moiety to the use of the commonwealth. This act shall commence and be in force from and after the first day of December, one thousand seven hundred and eighty-five.

Memorials of deeds, &c. & certificates of administrations to be transmitted by clerks of county, to clerks of general court.

VI. *And be it further enacted,* That memorials of all bargains, sales, mortgages, and other conveyances, marriage settlements, and deeds of trust, and also lists of certificates for obtaining probat or administration, be hereafter transmitted by the clerks of the several county courts within the district of Kentucky to the clerk of the said district, and by the clerks of the other county courts within this commonwealth to the clerk of the general court, in the manner and at the time the same are directed by law to be returned to the secretary's office; and the clerks of the district court of Kentucky, and of the general court, shall register such memorials, and cause the said lists returned to them as aforesaid, to be recorded as heretofore directed by law, in books to be kept for those purposes; and that for recording the memorial of each bargain, sale, mortgage, or other conveyance, marriage settlement, or deed of trust, there be paid by the person to whom the same shall be made, ten pounds of tobacco, and also ten pounds of tobacco for recording each probat or certificate of administration; to be collected, levied, and accounted for, in the same manner as other clerks fees are directed by law to be collected, levied, and accounted for.

To be registered and recorded.

Fees.

CHAP. XXII.

[Chapter
LXI in ori-
ginal.]

An act giving John Hoomes the exclusive privilege of conveying persons in a stage coach to and from certain places for a limited time, and for other purposes.

I. WHEREAS it is represented to this present general assembly, that John Hoomes hath expended a considerable sum of money in the purchase of carriages and horses, for the purpose of conveying persons and baggage between Richmond and Petersburg, and between Petersburg and Richmond and Hampton, Norfolk or Portsmouth, which will be productive of considerable public convenience and utility: And whereas the said John Hoomes hath undertaken to keep up and continue the said line of stages as aforesaid, in a proper and sufficient manner for the term of three years, therefore it is reasonable that he should possess, for a reasonable time, any emoluments resulting therefrom:

John Hoomes granted exclusive privilege of carrying persons in stage coaches between certain places.

II. *Be it therefore enacted*, That the said John Hoomes shall have the sole and exclusive right of conveying for hire, persons in stage carriages, between Richmond and Petersburg, and between Petersburg and Richmond and Hampton, Norfolk or Portsmouth, by the way of Suffolk, and to and from any intermediate place or places, for and during the said term of three years; and shall and may demand and take for each passenger five pence per mile, and five pence per mile for every one hundred and fifty pounds weight of baggage exceeding fourteen pounds, conveyed in any of the said stage carriages. If the said John Hoomes, by himself or any other shall demand or receive any greater rates than are hereby allowed, he shall forfeit and pay double the sum demanded or received, to be recovered with costs, by summons and petition in any county court of this commonwealth; and if the sum be under twenty-five shillings, before any justice of the peace by warrant, to the use of the party injured in both cases. If any person or persons, other than the said John Hoomes, his agents or servants, establish or run any

Rates.

Penalty for exceeding legal rates.

Penalty for infringing his privilege.

stage carriages between either of the before mentioned places, or any intermediate place or places, or demand or take, directly or indirectly, any fee or reward whatsoever for conveying any person or persons, or their baggage, in a stage carriage or carriages between either of the above-mentioned places, or any intermediate place, during the term aforesaid, he or they so offending, shall forfeit and pay for every stage so run or established, the sum of one thousand pounds, and for every person or one hundred and fifty pounds of baggage by him or them so conveyed, the sum of one hundred pounds, to be recovered with costs, by action of debt, bill, plaint, or information, in any court of record, to the use of the said John Hoomes. The said John Hoomes shall, on or before the first day of April next, enter into bond with sufficient security, in the general court, or in the court of the counties of Henrico or Caroline, in the sum of one thousand pounds, payable to the governor and his successors, for the use of the commonwealth, with condition for the due and faithful keeping up the said line of stages for and during the term aforesaid. And whereas, by an act passed at the last session of assembly, giving Nathaniel Twining the exclusive privilege of conveying persons in a stage coach for a limited time, it was enacted, that the said Nathaniel Twining should give bond and security for the due and faithful keeping up the line of stages therein mentioned, by the first day of September last; and although the said Twining hath duly, faithfully, and regularly complied hitherto with the obligation imposed on him by that act, yet it may have happened from his being a stranger in the state, that he may not have been able hitherto to procure security as aforesaid, and it is reasonable that he should be allowed further time to give the same:

Nathaniel Twining allowed further time to give bond,

III. Be it therefore enacted, That the said Nathaniel Twining shall be allowed time to give the said bond and security to the period herein before allowed to the said John Hoomes, and that the same shall be as good and effectual as if it had been given or entered into by the time limited in the said recited act.

CHAP. XXIII.

Ch. LXII in
original.*An act for dividing the county of Jefferson into two distinct counties.*

I. *BE it enacted by the General Assembly*, That from and after the first day of January next, the county of Jefferson shall be divided into distinct counties by Salt river; and that part of the said county lying south of the said river shall be called and known by the name of Nelson, and all the residue of the said county shall retain the name of Jefferson. That a court for the said county of Nelson shall be held by the justices thereof on the fourth Tuesday in every month, after the division shall take place, in such manner as is provided by law for other counties, and shall be by their commissions directed; that the justices to be named in the commission of the peace for the said county of Nelson shall meet at Beardstown, in the said county, upon the first court-day after the said division shall take place, and having taken the oaths prescribed by law, and administered the oath of office to, and taken bond of the sheriff, according to law, proceed to appoint and qualify a clerk, and fix upon a place for holding courts in the said county, at or as near the centre thereof as the situation and convenience will admit of, and thenceforth the said court shall proceed to erect the necessary public buildings at such place; and until such buildings be completed, to appoint any place for holding courts as they shall think proper. *Provided always*, That the appointment of a place for holding courts and of a clerk, shall not be made unless a majority of the justices of the said county be present; where such majority shall have been prevented from attending by bad weather, or their being at the time out of the county, in such case the appointment shall be postponed until some court-day, when a majority shall be present. The governor, with advice of the council, shall appoint a person to be first sheriff of the said county, who shall continue in office during the term, and upon the same conditions, as is by law appointed for other sheriffs.

II. *Provided always, and be it further enacted*, That it shall and may be lawful for the sheriff of the said

Jefferson
county divid-
ed, and Nel-
son formed.

Boundaries.

Court days.

county of Jefferson to collect and make distress for any public dues or officers fees, which shall remain unpaid by the inhabitants thereof at the time the said division shall take place, and shall be accountable for the same in like manner as if this act had not been made; and that the court of the said county of Jefferson shall have jurisdiction of all actions and suits in law or equity, which shall be depending before them at the time of the said division, and shall try and determine the same, and issue process and award execution thereon.

III. *And be it further enacted,* That the value of the court-house and other public buildings in the said county of Jefferson, shall, on or before the first day of January next, be ascertained and fixed by William Pope, George Slaughter, Philip Barbour, William Oldham, Isaac Cox, Andrew Hinds, and Benjamin Pope, or any four of them, who shall make return, so soon after as may be, of such valuation to each of the courts of the said counties of Jefferson and Nelson; and the court of the said county of Jefferson shall, within twelve months after such return made, levy on the tithables in their county, and pay to the court of the said county of Nelson, the proportion of such valuation, according to the number of tithables in that part of the said county of Jefferson at the time the expence of the said buildings was levied by the court of the said county of Jefferson.

IV. *And be it further enacted,* That the principal surveyor to be chosen for the said county of Nelson, shall, and he is hereby directed, to take from the surveyor's books of Jefferson county, all such locations as may fall within the county of Nelson upon the said division taking place, that plats of survey may be returned to his office.

CHAP. XXIV.

[Chap. XLIII
in original.]*An act punishing certain offences injurious to the tranquility of this commonwealth.*

I. WHEREAS it is the desire of the good people of this commonwealth, in all cases to manifest their reverence for the law of nations, to cultivate amity and peace as far as may depend on them, between the United States and foreign powers, and to support the dignity and energy of the federal constitution:

Preamble.

II. *Be it enacted by the General Assembly*, That if any citizen or inhabitant of this commonwealth, shall go beyond the limits of the United States, within the acknowledged jurisdiction of any civilized nation in amity with the United States, shall within the same commit any crime, for which, in the judgment of the United States, in congress assembled, the law of nations, or any treaty between the United States and a foreign nation, required him to be surrendered to the offended nation, and shall thereafter flee within the limits of this commonwealth, and the sovereign of the offended nation shall exhibit to the United States, in congress assembled, due and satisfactory evidence of the crime, with a demand of the offender to be tried and punished where the same was committed; and the United States, in congress assembled, shall thereupon notify such demand to the executive of this state, and call for the surrender of such offender, the governor, with the advice of the council of state, is hereby authorized to cause him to be apprehended, conveyed and delivered to such person or persons, as the United States, in congress assembled, shall prescribe.

Citizens of
this state,
committing
crimes out
of its limits,
how apprehended and
surrendered.

III. *And be it further enacted*, That if any citizen of this commonwealth, shall go out of the same into the territory of any christian nation or Indian tribe, in amity with the United States, and shall there commit murder, house-burning, robbery, theft, trespass, or other crime, which, if committed within this commonwealth, would be punishable by the laws thereof, it shall and may be lawful for any justice of the peace, on proof of such offence by the oath of one or more credible witness or witnesses, to issue his warrant, directed

Crimes committed within
territory of
any christian
nation or Indian
tribe, in
amity with
U. States,
how punished.

to all sheriffs, under-sheriffs, and constables, within this commonwealth, commanding them and each of them, within their respective counties and precincts, to apprehend such offender or offenders, and him, her, or them, to bring before such justice, or any other justice of the peace in the same county, or in the county where such offender may be apprehended; and such offender or offenders shall be subject to the same punishment, and shall be dealt with in the same manner, as if the offence, with which he, she, or they stand charged, had been committed within the body of some county of this commonwealth; and such offenders may be tried by a jury of bystanders, qualified by law to serve on juries in capital cases: *Provided also*, That it shall and may be lawful for the magistrate committing such offender (if the circumstances of the case shall render it absolutely necessary) to appoint the time for holding a court for the examination of such offenders at a more distant period than the law allows with regard to other criminals, provided the same be held within thirty days after the commitment of the prisoner.

When offenders may be bound to the good behaviour.

IV. *And be it further enacted*, That where sufficient proof shall not appear to the court before whom such offender shall be examined, to convict him or her of the charge, it shall and may be lawful for such court (if the circumstances of the case shall, in the opinion of the court, require it) to bind such offender to his or her good behaviour, in such sum and for such time as the said court shall judge reasonable.

Copies of this act, where to be transmitted.

V. *And be it further enacted*, That the governor shall, as soon as conveniently may after the passing of this act, transmit so many copies thereof as he shall think proper to the governors of the colonies of such nations, as may most probably be injured by the disorderly citizens of this state, to evince the friendly disposition of this commonwealth.

To be given in charge to grand jury, in Kentucky.

VI. *And be it further enacted*, That this act shall be given in charge to every grand jury to be empannelled in the general court for the district of Kentucky; and if such grand jury shall present any person for having violated this act (which they are hereby authorized to do) the court before whom such presentment shall be made, are hereby authorized and empowered (if the circumstances of the case, in the opinion of such court,

shall require) to bind the person or persons so presented, to his, her, or their good behaviour, in such sum and for such time as the court in their discretion shall judge reasonable, notwithstanding he or she may have been acquitted by a petit jury.

CHAP. XXV.

[Chap. LXIV
in original]

*An act for the appointment of trustees
for the town of York.*

I. WHEREAS it hath been represented to the general assembly, that the inhabitants of the town of York experience much inconvenience for the want of trustees or directors, occasioned in several instances by the death of some of the former members, and in other instances by the non-residence, or legal disabilities of others: For remedy whereof,

Trustees for
the town of
York, ap-
pointed.

II. Be it enacted by the General Assembly, That Thomas Nelson, jun. David Jameson, Hugh Nelson, William Cary, William Reynolds, Corbin Griffin, Matthew Pope, and Robert Nicholson, jun. gentlemen, be, and they are hereby constituted and appointed trustees and directors of the town aforesaid, and are authorized and empowered to meet at such time and place as a majority of the said trustees may direct, for the purpose of carrying into effect the duties of their appointment; and in case of the death, legal disability, or removal out of the county, or into distant parts, of one or more of the said trustees, the surviving trustees, or a majority of them, may from time to time, proceed to elect by ballot some other person or persons to supply any such vacancies that may happen; and such trustee or trustees so nominated and elected, shall be vested with as full and compleat authority to exercise the said office, as if he or they had been particularly nominated by this act.

CHAP. XXVI.

[Chap LXV
in original.]

An act to amend and explain an act intituled An act for repealing in part the act for establishing the town of Louisville.

Preamble.

K. WHEREAS, by an act passed in May, one thousand seven hundred and eighty, intituled, "An act for establishing the town of Louisiville at the falls of the Ohio, and one other town in the county of Rockingham," the escheated lands of a certain John Connolly were vested in trustees, for the purpose of establishing a town, to be known by the name of Louisville; and according to the directions of the said act, parcels of the said land were laid off into lots, and sold by the said trustees, upon the conditions prescribed by the said act: And whereas, in October, one thousand seven hundred and eighty three, it appearing to the general assembly that John Campbell and the said John Connolly were seized as tenants in common of four thousand acres of land, lying at the falls of the river Ohio, and that the said John Campbell and John Connolly did execute to each other, a deed of partition of the said land, but that the partition lines had never been run; and it appearing moreover that the said John Connolly being indebted to the said John Campbell and a certain Joseph Simon, did mortgage his part of the said land to the said John Campbell and Joseph Simon, and that the land had not been redeemed from the said mortgage; an act passed, intituled, "An act for repealing in part an act for establishing the town of Louisville," by which act, the act "For establishing the town of Louisville" is repealed, so far as it affects the title of the said John Campbell and Joseph Simon, to the land aforesaid; and it is moreover enacted by the said act, that the surveyor of Jefferson shall run the lines of partition between the said John Campbell and John Connolly. And whereas doubts have arisen upon the construction of the last mentioned act, in the minds of the purchasers of lots in the town of Louisville, with regard to their titles, and the trustees of the said town of Louisville know not how

to proceed in executing the law passed in May, one thousand seven hundred and eighty, for establishing the said town of Louisville:

II. *Be it enacted*, That the trustees of the said town of Louisville shall, as soon as may be, give notice to the said John Campbell, and proceed to running the partition lines between the lands of the said John Campbell and John Connolly according to their respective deeds of partition; and as soon as the said partition lines shall be run, the said trustees shall lay off into convenient lots or parcels, not exceeding one hundred acres, and sell such of the escheated lands of the said John Connolly as remain unsold, and shall in the first instance, after paying the necessary charges of surveying and laying off the said land, apply the money arising from such sales to redeeming the said land from the mortgage of the said John Campbell and Joseph Simon, and shall pay the overplus into the treasury of this commonwealth. And in case the said lines of partition shall have been run according to an act, intituled "An act for repealing in part an act for establishing the town of Louisville," previous to the passing of this act, then the said trustees shall proceed immediately to sell, in manner before directed, the said escheated lands of the said John Connolly, and to apply the money arising from such sale to the purposes aforesaid.

Partition line between lands of John Campbell and John Connolly, to be run.

Escheated lands of John Connolly to be sold, and mortgage to John Campbell and Jos. Simon, paid off.

III. *And be it further enacted*, That the said trustees shall receive all monies due for lots heretofore sold by them according to the act of May, one thousand seven hundred and eighty, and shall apply such monies to the purposes aforesaid.

IV. *And be it further enacted*, That the titles of the purchasers of lots in the town of Louisville, under the said act of May, one thousand seven hundred and eighty, shall be deemed valid against the claim of the said John Campbell and Joseph Simon, and their heirs or assigns. *Provided*, That this act shall not be construed to affect the title of the said John Campbell to such part of the town of Louisville as may have been laid off upon his part of the said land.

Titles to purchasers of lots in Louisville, confirmed.

[Ch. LXVI
in original.]

CHAP. XXVII.

*An act to continue an act, intituled
An act to revive and amend in part
an act, intituled an act for giving
further time to enter certificates for
settlement rights, and for locating
warrants upon pre-emption rights,
and for other purposes.*

Further time
allowed to
enter certi-
ficates for set-
tlement
rights, and
locate war-
rants, on pre-
emption
rights.

I. IT being represented to this present general assembly, that many people within this commonwealth have not received the benefit of an act of the last session of assembly, intituled "An act to revive and amend in part an act, intituled an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes;"

II. *Be it enacted*, That the said act be, and is hereby continued, until the first day of June, one thousand seven hundred and eighty five, and no longer.

[Ch. LXVIII
in original.]

CHAP. XXVIII.

*An act for amending the several laws
for regulating and disciplining the
militia, and guarding against inva-
sions and insurrections.*

Preamble.

I. WHEREAS the defence and safety of the commonwealth depend upon having its citizens properly armed and taught the knowledge of military duty, and the different laws heretofore enacted being found inadequate to such purposes, and in order that the same may be formed into one plain and regular system;

Who shall be
enrolled in
the militia.

II. *Be it enacted*, That all free male persons between the ages of eighteen and fifty years, except the members

of the council of staté, members of the 'American congress, judges of the superior courts, speakers of the two houses of assembly, treasurer, attorney general, auditors and their clerks, solicitor general and his clerks, clerks of the council of state and treasury, register of the land-office, his deputy and clerks, custom-house officers, all inspectors of tobacco, all professors, tutors, and students at the university of William and Mary, and other public seminaries of learning, all ministers of the gospel, licensed to preach according to the rules of their sect; who shall have previously taken, before the court of their county, an oath of fidelity to the commonwealth; post-masters, keepers of the public gaol and public hospital, millers, persons concerned at iron or lead works, or persons solely employed in repairing or manufacturing fire arms, all of whom are exempted from the obligations of this act, shall be enrolled or formed into companies of five serjeants, three corporals, a drummer, and fifer, and not less than fifty-five, nor more than sixty-five, rank and file; and these companies shall again be formed into regiments of not more than one thousand, nor less than five hundred men, if there be so many in the county. Each company shall be commanded by a captain, a lieutenant, and an ensign; each regiment by a lieutenant colonel commandant, and two majors; and the whole by a county lieutenant, whose rank shall be that of a colonel; and they shall take precedence and command of each other according to rank and seniority. These officers shall be resident within their county, and before they enter on the execution of their respective offices, shall take the following oath: "I — do swear, that I will be faithful and true to the commonwealth of Virginia, of which I profess myself to be a citizen, and that I will faithfully and justly execute the office of a —, in the militia of the county of —; according to the best of my skill and judgment: So help me God."— There shall be a private muster of every company once in every three months, at such convenient time and place as the captain, or next commanding officer, shall appoint; a muster of each regiment, on some day in the month of March or April, in every year, to be appointed by the commanding officer thereof, at a convenient place, near the centre of the regiment; and a general muster of the whole, on some day in the month of

Who exempted.

Companies.

Officers.

Oath of officers.

Musters.

Notice of
musters.

October or November, in every year, to be appointed by the county lieutenant or commanding officer, at a convenient place near the centre of the county; for the times and places of the said musters, the county lieutenant or commanding officer for the time being, shall give notice to the commanding officers of regiments for the general muster; the commanding officers of regiments shall give notice to the commanding officers of their respective companies, of such general muster, and of his regimental muster; and the commanding officers of companies shall give notice of the general, regimental, and private musters, to every person of their respective companies; and to that end the commanding officers of companies shall have power to order so many of their serjeants, as they shall think fit, to give such notice, which may be done by personal summons by the said commanding officer, or serjeant so ordered, or by either of them, leaving notice in writing at the usual place of abode of the person to be summoned; the notices to be given by the commanding officer of the county and commanding officers of regiments, shall be in writing, delivered in person or left at the usual place of abode of each person to be notified, either by such commanding officers themselves, or by such officer or officers of their respective commands, as they may think fit to order; the said notices shall be given by the commanding officer of the county to the commanding officers of regiments at least forty days; by the commanding officers of regiments at least thirty days; and by the commanding officers of companies, at least ten days, before such general regimental or private musters (as the case may be) shall be appointed to be had.— Any officer ordered as aforesaid to give such notices, failing therein, shall, for every offence, forfeit and pay five pounds; and every serjeant so failing, shall forfeit and pay one pound for every such failure; to be recovered as other fines hereafter to be established. Every officer and soldier shall appear at his respective muster-field on the day appointed, by eleven o'clock in the forenoon, armed, equipped, and accoutred, as follows: The county lieutenants, lieutenant colonels commandant, and majors, with a sword; the captains, lieutenants, and ensigns, with a sword and esponton; every non-commissioned officer and private, with a good clean musket, carrying an ounce ball, and three feet eight

Officers and
soldiers how
armed and
accoutred.

inches long in the barrel, with a good bayonet and iron ramrod well fitted thereto, a cartridge box properly made, to contain and secure twenty cartridges fitted to his musket, a good knapsack and canteen; and moreover, each non-commissioned officer and private shall have at every muster, one pound of good powder and four pounds of lead; including twenty blind cartridges; and each sergeant shall have a pair of moulds fit to cast balls for their respective companies, to be purchased by the commanding officer, out of the monies arising on delinquencies; provided, that the militia of the counties westward of the Blue Ridge, and the counties below adjoining thereto, shall not be obliged to be armed with muskets, but may have good rifles with proper accoutrements in lieu thereof. And every of the said officers, non-commissioned officers, and privates, shall constantly keep the aforesaid arms, accoutrements and ammunition ready to be produced whenever called for by his commanding officer. If any private shall make it appear to the satisfaction of the court hereafter to be appointed for trying delinquencies under this act, that he is so poor that he cannot purchase the arms herein required, such court shall cause them to be purchased out of the money arising from delinquents. The arms so purchased, shall, by the commanding officer of the county, be delivered to the captain of the company to which such poor private may belong, who shall deliver such arms to the private, but they shall continue the property of the county; and if any private shall sell or conceal the same, the seller, concealer, and purchaser, shall each forfeit and pay four pounds, to be recovered by the commanding officer, in any court of record, on ten days notice. And on the death, disability, or exemption of such poor private, or his removal out of the county, such arms, shall be delivered to the commanding officer of the company, who shall make report thereof to the next court to be held, as aforesaid, and deliver the same to such other poor private as they shall direct. And if any poor private shall remove out of the county, and carry such arms with him, he shall incur the same penalty as if he had sold them. And if any person concerned in selling, purchasing, concealing or removing such arms shall be prosecuted for the penalty, and upon conviction shall fail to make instant payment, or give security to pay the same

Ammunition.

Rifles.

Poor soldiers,
how armed.Penalty for
selling, or
concealing.

Arms how
stamped.

Delinquen-
cies how no-
ted.

Returns.

in such time as the court shall deem reasonable, he shall suffer such corporal punishment as the court before whom the recovery shall be, may think fit, not exceeding thirty-nine lashes. And the lieutenant or commanding officer for the time being of any county, may recover any arms so sold, concealed, or removed, by action or petition in detinue or trover, with costs. And to the end that such arms may be known, the commanding officer shall cause to be stamped or engraved on them, the name of the county, together with the number of the regiment to which they may belong. At every muster, each captain or commanding officer, shall call his roll, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof at the next regimental or general muster to the lieutenant colonel commandant, or commanding officer of his regiment, including those which may occur on that day. Every lieutenant colonel commandant or commanding officer of a regiment, shall in like manner call his roll, examine and note down all delinquencies in his regiment, and make return thereof, together with those reported from commanding officers of companies, to the county lieutenant or commanding officer, within ten days after every general and regimental muster, who shall lay the whole, together with the delinquencies occurring to him on the like examination, so far as they relate to persons below field officers, before the court hereafter appointed to take cognizance of, and determine on them. And so far as they relate to field officers, the like returns shall be made to the executive who shall enquire into and determine on them. *Provided,* That the commanding officer of a county or of a regiment, shall not be obliged to extend their roll calls, or individual examinations beyond the officers, unless they observe some apparent necessity therefor. And to each of the said returns shall be annexed the following oath, to be administered by any justice of the peace, viz. "I ———, do swear that the returns hereunto annexed, contain all delinquencies which have occurred in the militia of my county, the ——— regiment, or ——— company of ——— regiment (as the case may be) since the last return, having examined the same as the law directs; (and to the county and regimental return shall be added) and that the reports which accompany them are all which have been made

by the commanding officers of regiments or companies, as the case may be. So help me God." Every captain or commanding officer of a company shall, within ten days *Company returns.* after every regimental and general muster, make up and report to the commanding officer of his regiment, a return of his company, including all arms, ammunition, and accoutrements, by this act directed; distinguishing effective and good from non-effective and bad, noting therein such as have died, removed, been exempted or added, and all persons within the bounds of his company not on his roll, who ought to be enrolled. The commanding officer of each regiment shall, within sixteen days after every general muster, make the like return to the commanding officer of the county, who shall, within forty days thereafter, make the like return of the whole of his militia, to the governor. *Regimental returns.* The militia of this commonwealth as now organized, shall be disbanded, and all officers of the same are exonerated from all pains and penalties for non-performance of their duties heretofore prescribed, except the duties prescribed by the act for the better collection of the one-eighth per cent. tax, and the penalties for failure therein. And for providing for the appointments of the officers and others by this act described;

III. *Be it further enacted,* That the governor, with the advice of council, shall, on or before the first day April next, appoint in each county within this commonwealth, the most able and fit persons who shall be willing to accept the same, to be county lieutenant, and the necessary regimental field officers, according to the number of militia on the present returns, and immediately issue commissions accordingly. *Field officers to be appointed by executive.* Each county lieutenant and other field officer, shall, at the first or second court to be held in their county after receiving such commissions, take the oath by this act directed. Every county lieutenant shall within one month after having taken such oath, summon all the field officers of his county, and an equal number of the senior magistrates, not being militia officers, to meet at the court-house, to form a board, at which he shall preside, and with them, or a majority of the said field officers and magistrates, respectively, each having taken the following oath, to be administered by one of the magistrates to the other members, and then by another magistrate to him, viz. *Captains and subalterns to be recommended by a board of officers and senior magistrates, to the executive or commissioned.*

"I———, do swear, that I will truly and faithfully

execute the trust now reposed in me, according to law, to the best of my skill and judgment: So help me God." shall, if there be more than one regiment, divide the county into districts, and assign a regiment to each; having regard to the number directed to be enrolled in a regiment by this act, and the convenience of the people: They shall then number the said regiments by lot, and the numbers so fixed, shall thereafter distinguish them. They shall then in like manner divide the regimental districts into districts for companies, having regard to the numbers directed to be enrolled in a company, and shall also number the said companies by lot, and the numbers so fixed, shall thereafter, together with that of the regiment to which they respectively belong, distinguish the companies: They shall then recommend by ballot, to each of the said companies, a captain and the subaltern officers, directed by this act; a list of which recommendations, the county lieutenant shall, within thirty days after they shall be made, transmit to the governor, who, with the advice of council, shall issue commissions thereupon, or may reject such as they may disapprove. The said commissions shall be sent by the governor to the respective county lieutenants, who shall forthwith deliver them to the several persons for whom they may be issued; and every such officer shall, at the first or second court thereafter held for the county, take the oath directed to be taken by this act. All commissions of the county lieutenant and other field officers, to be appointed in the first instance by virtue of this act, shall bear date on the same day; precedence in the different grades shall be determined by lot, and the commissions shall be numbered accordingly, which numbers shall be the tests of precedence whenever two or more officers of the same grade shall meet on duty. All commissions which shall be issued to captains and subalterns, to be appointed in the first instance by virtue of this act, shall bear date on the same day the nominations for the respective counties shall be completed; precedence in the different grades in the county shall be determined by lot, as directed for the field officers, and the commissions numbered accordingly; and whenever such officers of different counties shall meet on duty, the dates of their commissions shall determine; and whenever it shall happen that the dates are the same, recourse shall be had to the numbers. All vacancies which shall happen in the militia, as well

Executive
may reject
recommendations.

Rank, how
determined.

Vacancies
how supplied

by the disapprobation of the executive as otherwise, shall be filled up from time to time, in the same manner as, the original appointments are directed to be made, notice of which vacancies shall be taken from the returns by this act directed to be made; and the said board is hereby authorized and empowered to exempt from militia duty any person who shall make sufficient proof of his disability or infirmity. Each captain or commanding officer of a company shall, within ten days after receiving his commission, and qualifying as aforesaid, enroll all persons within his district, directed by this act to be enrolled, and shall appoint to his company, five sergeants, three corporals, a drummer and fifer, to be approved by the commanding officer of his regiment; and all vacancies which may thereafter happen, shall be filled up by appointments in like manner. In all cases of death, absence, or resignation of any county lieutenant, lieutenant colonel commandant, or captain, the next officer in rank in his respective command, shall be considered as the commanding officer during the vacancy, and liable to perform the duties required by this act, and for neglect therein, shall incur the penalties annexed thereto. And whereas, it will be of great utility and advantage in establishing a well disciplined militia, to annex to each regiment a light company, to be formed of young men, from eighteen to twenty-five years old, whose activity and domestic circumstances will admit of a frequency of training, and strictness of discipline, not practicable for the militia in general, and returning to the main body on their arrival at the latter period, will be constantly giving thereto a military pride and experience, from which the best of consequences will result.

Light companies.

IV. *Be it therefore enacted*, That the governor, with the advice of council, shall, where the militia of the county will admit at the time of issuing the company commissions for each county, appoint and commission for each regiment therein, a captain, a lieutenant, and an ensign, of the most proper persons therefor, for a light company, whose commissions shall bear date with the others of their county, and be numbered by lot with them; and the said companies shall be distinguished by the following words "Light company of ——— regiment of ——— militia," filling up the blanks with the number of the regiment, and name of the county. Every person belonging to the said light companies,

Uniform.

shall wear while on duty, such caps and uniforms as the executive shall direct; to be purchased by the commanding officer of the county, out of the monies arising on delinquents. The captain thereof shall after qualifying as is directed for other officers, proceed to enroll in his company a sufficient number of young men as before described, and shall have a private muster twice in every three months. And as the men of such light company shall from time to time arrive at the age of twenty-five years, the captain shall make report thereof to the county lieutenant, who shall order them to be enrolled in the company whose districts they may respectively live in, and deficiencies shall be supplied by new enrollments. And the said companies shall in all respects be subject to the same regulations and orders as the rest of the militia.

Stephens's
discipline a-
dopted.

V. *And be it further enacted*, That the plan of major general baron Steuben, established in congress, by their act, bearing date the twenty-ninth day of March, one thousand seven hundred and seventy-nine, for forming and disciplining the troops of the United States, shall be the guide for the militia of this commonwealth; disposing of a lieutenant colonel commandant, and two majors, as is directed in the said plan for a colonel, lieutenant colonel, and major, and making such other deviations as the numbers contained in different regiments, and other unavoidable circumstances shall render absolutely necessary. It shall be the duty of every commander of a county regiment and company, at every of their respective musters, to cause the militia to be exercised and trained, agreeable to the said plan, under pain of being arrested and tried for breach of their duty; and for this purpose the said officers are hereby authorized to order the most expert and fit officer in their respective companies to perform that duty. And to the end that a general knowledge thereof may be diffused, the executive is hereby authorized and required, to have a sufficient number of copies of the said plan printed and bound in boards, to afford to every commissioned officer of the militia, one, and to deliver them to the commanders of counties, to be by them distributed; and upon the death, resignation, or removal of any officer, the plan delivered him shall revert to the public; and the commanding officer for the time being, shall deliver the same to a new appointed officer who may

not have received one; and for defraying the expence of so doing, shall draw on the contingent fund. Should any officer fail to make himself acquainted with the plan of discipline during the space of eighteen months, after he shall be furnished therewith, he shall forfeit his commission, by sentence of a court-martial.

VI. *And be it further enacted*, That twelve months after the commencement of this act shall be allowed for providing the arms and accoutrements herein directed; but in the mean time, the militia shall appear at musters with, and keep by them the best arms and accoutrements they can get. Any officer who shall be guilty of disobedience or other misbehaviour when on duty, or shall at any time be guilty of any conduct unbecoming the character of any officer, shall be put under an arrest by his commanding officer, and tried as hereafter shall be directed. If any non-commissioned officer or soldier, shall behave himself disobediently or mutiniously when on duty, on, or before any court or board, directed by this act to be held, the commanding officer, court or board, may either confine him for the day, or cause him to be bound neck and heels, for any time not exceeding five minutes. If any bystander shall interrupt, molest, or insult any officer or soldier while on duty at any muster, or shall be guilty of the like conduct before any court or board aforesaid, the commanding officer, or such court or board, may cause him to be confined for the day. The lieutenant or commanding officer of a county shall cause to be purchased out of the money arising from the fines, for every regiment in his county, the usual sets of colours, with such devices thereon as the executive shall direct, also a drum and fife for each company; and on the colours and drum shall be marked the name of the county, with the number of the regiment and company to which they belong: And whereas, it is necessary that adequate powers be vested in the executive for calling forth the militia and resources of the state, in cases of invasion or insurrection, or upon any probable prospect of such invasion or insurrection;

VII. *Be it further enacted*, That the governor, with advice of the council, be authorized and empowered, on any such invasion or insurrection, or probable prospect thereof, to call forth such a number of militia, and from such counties as they may deem proper. And

Time allowed to provide arms

Disobedience

Misbehaviour how punishable.

Colours, drums, and fifes, how procured.

On invasions and insurrection, how militia called out.

for the accommodation, equipment, and support of the forces, so at any time to be called forth, the governor, with advice aforesaid, may appoint such quarter-masters, commissaries, and other staff, as to them shall seem proper, and to fix their pay and allowances; and shall also take such measures for procuring, transporting, and issuing all stores, which may be necessary, as to them shall seem best. Orders for the militia to be called forth as aforesaid, shall be sent to the county lieutenant or commanding officer, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same with the necessary number, and ranks of officers by detail and rotation of duty. If such detachment shall amount to one-third of a regiment, he shall send one field officer with it; if two-thirds of a regiment, two field officers; and if more than two-thirds, three field officers. The county lieutenant or commanding officer shall cause to be procured, by impressment or otherwise, for each company, a waggon, team, and driver, six axes, and six camp kettles, or pots of convenient size, all which shall be delivered to the commanding officer of the company, who shall be accountable for returning the same, when his tour is over; and the articles aforesaid, shall be returned to the owners, who shall be allowed for the use of the same whatever may be adjudged by the court hereafter appointed for enquiring into delinquencies. And to the end, that if any article impressed shall be lost, the owner may be paid for the same, the county lieutenant or commanding officer, shall cause all property by him impressed by virtue of this act, to be valued by two or more disinterested freeholders on oath, before the same shall be sent away; and upon proof being made to the said court of any article being lost, the valuation thereof shall be allowed, without any allowance for the use; and the said allowance shall be certified to the auditors of public accounts: The said court shall make enquiry into the cause of such loss, and if it shall appear that the said loss was occasioned by the misconduct or inattention of any officer, the county lieutenant or commanding officer is hereby authorized to prosecute a suit against such officer, for recovery of damages, for the use of the commonwealth. If it shall appear to the executive upon calling forth the militia as aforesaid, that the necessary number and

Quarter-masters, commissaries, and other staff.

Orders, to whom sent.

Officers to command.

Camp equipment.

Impressments.

ranks of officers will not attend the detachments for regimenting and officering them at the places of rendezvous, the governor, with advice of the council, is hereby authorized to appoint such field officers as may be necessary from the counties called upon, as they may think proper, to join the forces so raised; and the senior officer shall arrange and command the whole, and appoint the usual regimental staff. And if a general officer or officers shall, in the opinion of the executive, be necessary either on account of the number of troops, or importance of the service, the governor, with advice of the council, shall appoint and commission one or more brigadiers general for the then existing occasion, who are hereby authorized to appoint each, an aid-de-camp, brigade major, and brigade quarter-master.—

If a sudden invasion shall be made into any county of this commonwealth, or in case of an insurrection in any county, the county lieutenant is hereby authorized and required to order out the whole, or such part of his militia as he may think necessary, and in such manner as he may think best, for repelling or suppressing such invasion or insurrection, and shall call on the lieutenants or commanding officers of the adjacent counties for such aid as he may think necessary, who shall forthwith in like manner furnish the same. And for assembling the militia required upon such occasions, or by orders of the executive, the same measures shall be taken to summon them as is directed in the cases of musters. Whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the articles of war which were last in force in the continental army during the last war; and courts martial shall be held as are therein directed; but to the cashiering of any officer, or capital punishment of any person, the approbation of the executive shall be necessary. And whenever any militia shall be in actual service, they shall be allowed pay and rations as follows, to commence from the time of rendezvousing in their counties, and to end on being discharged, viz. A brigadier general, one hundred and twenty-five dollars per month, and twelve rations of provisions, and five rations of forage, for himself and family per day; an aid-de-camp, thirty dollars per month; a colonel, forty-five dollars per month, and six rations of provisions and two rations of forage per day; a brigade major, thirty dollars per month, four rations

Field officers.

General officer and staff.

Sudden invasion or insurrection.

Articles of war. Courts martial.

Pay and rations.

of provisions and two rations of forage per day; a brigade quarter-master, thirty dollars per month, and three rations of provisions and one ration of forage per day; a lieutenant colonel commandant, thirty-six dollars per month, and five rations of provisions and two rations of forage per day; a major, thirty dollars per month, and four rations of provisions and two rations of forage per day; a captain, twenty-four dollars per month, and three rations of provisions per day; a lieutenant, sixteen dollars per month, and two rations of provisions per day; an ensign, twelve dollars per month, and two rations of provisions per day; a surgeon, sixty dollars per month, and three rations of provisions, and two rations of forage per day; a quarter-master, twenty dollars per month, and two rations of provisions, and one ration of forage per day; a paymaster, forty dollars per month, and two rations of provisions, and one ration of forage per day; an adjutant, twenty-four dollars per month, and two rations of provisions, and one ration of forage per day; a quarter-master's serjeant, eight dollars per month, and one ration per day; a serjeant, seven dollars per month, and one ration per day; a corporal, six dollars per month and one ration per day; a private, five dollars and one half dollar per month, and one ration per day. And should any of the staff be of the line, the allowances herein given, shall include what they may receive in the line. A ration of provision shall consist of one pound of fresh beef or pork, or three quarters of a pound of salt pork, one pound of wheat bread or flour, or one pound and a quarter of corn meal, one gill of rum when to be had, and one quart of salt, one quart of vinegar, two pounds of soap, and one pound of candles to every hundred rations, but in case salt meat be issued, the salt to be withheld; and a ration of forage of ten quarts of corn or oats and fourteen pounds of hay or fodder. And moreover, every militia man upon his discharge from actual service, shall be entitled to, and receive one day's pay for each twenty miles such place of discharge shall be distant from his place of abode. And should the executive at any time find it expedient to retain the whole, or any part of the rations of provisions or forage herein allowed to officers, and to allow a composition in money, they are hereby empowered to do so.

Ration, of
what to consist.

VIII. *And be it further enacted*, That the commanding officer of the militia in every county, shall ^{Patroles, how appointed.} some time before the first day of May in every year, appoint an officer, and so many men of the militia as to him shall appear necessary, not exceeding four, once in every month, or oftener, if thereto required by such officer, to patrolle and visit all negro quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons as aforesaid unlawfully assembled, or any others strolling about from one plantation to another, without a pass from his or her master, mistress, or owner, and carry them before the next justice of the peace, who, if he shall see cause, is to order every such slave, servant, stroller, or other disorderly person as aforesaid, to receive any number of lashes not exceeding twenty, on his or her bare back. And in case one company of patrollers shall not be sufficient, to order more companies for the same service. And after every patrolle, the officer of each party shall return to the captain of the company to which he belongs, a report in writing upon oath, (which oath such captain is hereby empowered to administer) of the names of those of his party who were upon duty, and of the proceedings in such patrolle, and such captain shall once in every month deliver such patrolle returns to the commanding officer of the militia, by whom they shall be certified and delivered to the next court-martial; and if they shall adjudge the patrollers have performed their duty according to law, the chief officers shall certify the same to the county court, who are thereupon empowered and required to levy twenty pounds of tobacco, or three shillings, for every twelve hours each of them shall so patrolle. And every commanding officer failing to appoint patrollers according to the directions of this act, shall forfeit and pay ten pounds; and every person appointed to patrolle, failing to do his duty, shall forfeit and pay twenty shillings for every such failure; which fines shall be laid, collected, accounted for, and appropriated as is herein directed for the laying, accounting for, and appropriating the several fines and penalties by this act directed. And whereas, it is necessary that certain tribunals be described and instituted for the trial of offences as they are to be viewed in a military light, as well as for enquiring into delinquencies, and assessing fines thereon;

Their duty
and compensation.

Arrest of officers.

IX. *Be it therefore enacted,* That the governor, with advice of council, shall have power to arrest the county lieutenant or commanding officer of a county, and all other officers, for any misconduct whatever, and upon trial and conviction, may censure or cashier them.— All officers under the county lieutenant or commanding officer of a county, may also be arrested by such commanding officer, and reported to the governor for trial, or at the option of such commanding officer, a general court-martial, to consist of thirteen officers, may, by his order, be held in the county for trial of such as shall be under the rank of a field officer. The president of the said court shall be a field officer, and six at least of the members shall be captains; and where there is not a sufficient number of officers in any county, to constitute a court, where the arrest is made, the commanding officer of such county may call upon as many officers from the adjacent counties, as will be sufficient to make up a court; and such court may, on conviction, censure or cashier any officer so tried, and their sentence shall be final, saving to such officer an appeal to the executive if he shall think proper; in which case, the commanding officer shall furnish him with a copy of the proceedings of the said court: Any non-commissioned officer or soldier offending, shall be tried by a like general court-martial, and may, on conviction, be censured or fined at the discretion of the court; and failing to make instant payment of such fine, or to give sufficient security therefor, within such time as the court may think proper, shall receive corporal punishment, not exceeding twenty lashes. For obtaining the necessary evidence for the trials aforesaid, the governor or commanding officer of the county, as the case may be, shall issue his summons, and any person so summoned, failing to attend, shall forfeit and pay, upon a summons from the governor, ten pounds, and upon a summons of the commander of a county, five pounds, to be reported by the commanding officer, amongst other delinquencies, to the court aforesaid.

Courts-martial, for trial of.

Courts of enquiry, how constituted.

X. *And be it further enacted,* That the commander of a county, shall on some day in the months of May and November (his general muster being over) summon all his field officers, and an equal number of the senior magistrates, and with them, or a majority of such field officers and magistrates respectively, shall

form a court of enquiry, and assessment of fines; the said court shall take the following oath, to be administered by any one of the magistrates to the other members, and afterwards by any one of them to him, viz—
 “I —————, do swear, that I will truly and faithfully enquire into all delinquencies which appear on the returns to be laid before me, and will assess the fines thereon as shall seem just, without favor, partiality, or affection. So help me God.” The county lieutenant shall then lay before the said court, all the returns of delinquencies, as directed by this act, whereupon they shall proceed to hear and determine on them. All fines to be assessed by virtue of this act, shall be collected by the sheriff of the county, upon a list thereof, certified by the commanding officer, and delivered to the sheriff, on or before the first day of January, in every year, who shall account for the same to the county lieutenant, or his successor, in the manner directed, and be allowed the same commission as for other public monies, on or before the first day of November, in the same year; and on failure, the commanding officer, or his successor, shall on ten days previous notice, obtain judgment for the same, in the county court, with costs. And should any person so charged with fines, fail to make payment, on or before the first day of May, in any year, the sheriff is hereby authorized to make distress and sale therefor, in the same manner as is directed in the collection of taxes. The commanding officer of every county, shall, on or before the thirty-first day of December, in every year, render to the executive, an account upon oath, of all monies which have come into his hands by virtue of his office, and of his disbursements; and if there shall remain any money in his hands, the same shall be paid into the treasury, in aid of the contingent fund. And for enforcing obedience to this act,

Their powers
and duty.

XI. *Be it enacted*, That the following forfeitures and penalties shall be incurred for delinquencies, viz. By the county lieutenant or commanding officer of a county, for failing to take any oath, to summon any court or board, to attend any court or board, to transmit any recommendation of an officer or officers to the governor, to deliver any commission or commissions, to appoint a general muster, to attend such muster armed as required, to report delinquencies, to make a general re-

Fines for delinquencies.

turn of his militia to the governor, as is directed by this act, shall, for each and every such offence or neglect, forfeit and pay twenty pounds; failing to send into actual service any militia called for by the governor, or to turn out his militia upon an invasion or insurrection of his county, fifty pounds: By a lieutenant colonel commandant, for failing to take any oath, to attend any court or board, to appoint a regimental muster, to give notice of a general muster, to examine his regiment, to report delinquencies, or to make any return as directed by this act, he shall forfeit and pay for each and every offence or neglect, ten pounds; failing to call forth from his regiment, with due dispatch, any detachment of men and officers, armed and equipped, as shall from time to time, be required by the commanding officer, on any call from the governor, invasion of, or insurrection in his county, or requisition of a neighbouring county, twenty-five pounds: By a major for failing to take any oath, to attend any court or board, to attend any muster armed as is herein directed, he shall for each and every such offence or neglect, forfeit and pay eight pounds; failing to repair to his rendezvous when summoned upon any call of the governor, invasion of or insurrection in the county, or requisition of the commander of a neighbouring county, he shall forfeit and pay sixteen pounds: By a captain, for failing to take any oath, to attend any court, to enroll his company, to appoint private musters, to give notice of a general or regimental muster, to attend any muster armed, to call his roll, examine his company, and report delinquencies, to make any return as is directed by this act, he shall forfeit and pay for each and every such offence and neglect, six pounds; failing to call forth such officers and men, as the commanding officer shall from time to time order from his company, upon any call from the governor, invasion of or insurrection in the county, or requisition from an adjacent county, or failing on any such occasion to repair to the place of rendezvous, he shall forfeit and pay twelve pounds: By a subaltern officer, for failing to take any oath, to attend any court or muster armed as directed, for each of the said offences he shall forfeit and pay three pounds; failing to repair to his place of rendezvous armed as required, when ordered upon any call from the governor, invasion of or insurrection in the county, or requi-

sition from a neighbouring county, he shall forfeit and pay six pounds. And moreover, the said officers, for any of the said offences shall be liable to be arrested and tried for the same as military offenders: By a non-commissioned officer or soldier, for failing to attend at any muster, with the arms, ammunition, and equipments, as directed by this act, he shall forfeit and pay ten shillings; failing to repair to his rendezvous, when ordered upon any call from the governor, invasion of or insurrection in the county, or requisition from a neighbouring county, he shall forfeit and pay two pounds. And any magistrate failing to attend any court or board, or to take any oath directed by this act shall forfeit and pay ten pounds. All arms, ammunition, and equipments of the militia, shall be exempted from executions and distresses at all times, and their persons from arrests in civil cases, while going to, continuing at, or returning from musters, and while in actual service. Each court or board, by this act directed to be held, are empowered to appoint a clerk and provost marshal; such clerk shall keep a fair record of their proceedings, and together with the said provost marshal, receive such allowance, to be paid out of the fines arising from delinquencies, as the said court or board shall think reasonable. And whereas the practice of paying for arms and accoutrements by the public, which are lost in service, is productive of the most mischievous consequences, in as much as it takes away a very great incentive to the holding them fast in action, and the preservation of them elsewhere;

Arms exempted from execution or distress, and militia from arrest.

XII. *Be it enacted*, That no arms or accoutrements, which may hereafter be lost in service, shall be paid for by the public, unless the loser shall be killed, wounded, or otherwise incapacitated in the opinion of a court-martial, from preserving his arms.

Arms lost in public service not to be paid for, unless the loser killed or disabled.

XIII. *And be it further enacted*, That this act shall commence and be in force, from and after the first day of April next, and thereafter all and every act or acts heretofore enacted, for or concerning any matter or thing within the purview of this act, shall be, and the same are hereby repealed. *Provided*, That this act shall not be construed to deprive the people called quakers of any privilege granted to them by an act of assembly, intituled, "An act to exempt quakers from at-

Repeal of former acts, saving of privileges of quakers.

Militia of
Williamsburg
and Norfolk,
under same
regulations
as in counties

tending musters." *Provided also*, That the governor, with advice of council, shall have power and authority to suspend the operation thereof in the counties on the western waters, so long as they may think proper.

XIV. *And be it further enacted*, That the militia of the city of Williamsburg and borough of Norfolk, shall have their officers appointed, and be under the same rules and regulations as the different counties.

CHAP. XXIX.

[Chapter
LXVIII in o-
riginal.]

An act for providing arms and am- munition for the defence of the state.

Arms and ac-
countrements
to be provid-
ed.

I. *BE it enacted by the General Assembly*, That the governor with the advice of council, be authorized and required to purchase on the best terms he can, either in the country or by importation, in the ensuing year, as many thousand stand of arms and accoutrements brass mounted, of the descriptions directed in the militia law, with the words "Virginia militia" engraved thereon, as the money which from time to time may be appropriated for that purpose will purchase.

If imported,
to come from
France.

II. *And be it further enacted*, That if any such arms and accoutrements shall be imported from Europe, such importation shall be from France.

Gun powder,
flints, & car-
tridge paper,
to be import-
ed.

III. *And be it further enacted*, That the governor, with advice of council, shall also in like manner in the same year, and out of the fund herein after provided, import ten tons of musket powder, two hundred thousand gun-flints; and one hundred ream of musket cartridge paper, to be deposited in the public magazines. And for carrying this act into execution in the year one thousand seven hundred and eighty five, the executive is hereby authorized and empowered to draw ten thousand pounds out of any money which may be in the hands of the treasurer, on, or after the first day of July next, which shall be replaced out of the monies arising from the land office, so far as the same may not be al-

ready appropriated, and as much of the unappropriated two-tenths, as may be sufficient.

CHAP. XXX.

[Ch. LXIX
in original.]

*An act to prevent the counterfeiting
certain certificates and warrants.*

I. *BE it enacted by the General Assembly, That if any person within this commonwealth shall forge or counterfeit, alter or erase, any certificate or warrant issued or to be issued by any person or persons authorized for that purpose, either by the congress of the United States or the legislature of this state, for the payment of money, or shall be aiding or assisting therein, or shall demand payment thereof, knowing the same to be forged, counterfeited, altered or erased, or shall transfer any such certificate or warrant, knowing the same to be forged or counterfeited, altered or erased, or shall forge or counterfeit, alter or erase, any certificate whatever for the purpose of obtaining a settlement of money from any person or persons authorized for that purpose, either by the congress of the United States or the legislature of this state, or shall be aiding or assisting therein, or shall require settlement thereon, or transfer the same, knowing it to be forged, counterfeited, altered, or erased; he or she so offending, and thereof legally convicted, shall suffer death without benefit of clergy. All and every act or acts of assembly made to prevent the counterfeiting of certificates, are hereby repealed.*

Forgery of
certificates
issued by con-
gress, or this
state, death
without cler-
gy.

Ch. LXX in
original.

CHAP. XXXI.

*An act giving further powers to the
directors of the public buildings.*

I. WHEREAS it hath been represented to the general assembly, by the directors of the public buildings, that apartments can be provided for the use of the legislative, executive, and judiciary, to greater advantage, and with less expense, by uniting them under one roof, than by erecting separate houses;

Directors of
public build-
ings authoris-
ed to provide
apartments
for legisla-
ture, execu-
tive and judi-
ciary, in the
capitol, in-
stead of e-
recting sepa-
rate build-
ings.
Jaquelin Am-
bler and Wm.
Hay appoint-
ed directors.

II. *Be it enacted by the General Assembly,* That it shall be in the discretion of the said directors to cause apartments to be provided for the uses aforesaid under one and the same roof; any law to the contrary notwithstanding. And whereas it is represented to the general assembly, that two of the directors heretofore appointed by law are dead, and it is necessary that such vacancy should be supplied;

III. *Be it therefore enacted by the General Assembly,* That Jaquelin Ambler and William Hay, gentlemen, shall, and they are hereby appointed directors of the said public buildings, with the same powers that by law are given to the directors of the said public build-ings.

Ch. LXXI
in original.

CHAP. XXXII.

*An act to amend an act, intituled An
act directing the sale of certain pub-
lic lands, and for other purposes.*

Preamble. I. WHEREAS the commissioners appointed by an act, intituled "An act directing the sale of certain public lands, and for other purposes," have found it difficult to procure a meeting of a sufficient number to carry the said act into effect, by reason whereof the said lands have not been sold as by the said act is directed: For remedy whereof,

II. *Be it enacted by the General Assembly, That* the public lands called and known by the name of Gosport, shall be, and the same are hereby annexed to the town of Portsmouth; and the governor, with advice of council, shall be, and he is hereby empowered and directed to appoint three or more commissioners, who shall lay off the said land into lots not exceeding a quarter of an acre each, with convenient streets, and as nearly parallel to the streets in the said town of Portsmouth as the situation of the place will conveniently admit. And the said commissioners so appointed, are hereby authorized and required to make sale of the said lots, or so many thereof, as the governor, with advice of council, may direct, in manner and on the conditions herein after prescribed. The said commissioners shall give previous notice of such sale at least sixty days in the Virginia, Maryland, and Pennsylvania Gazettes, and shall dispose of the same by public sale on the premises, to the highest bidder, on the day appointed (if fair, and if not, the next fair day) for twelve months credit, taking bond with two sufficient securities for the payment thereof; which bonds, if not paid when due, shall be recoverable in any court of record within this commonwealth, on motion of the solicitor, or other person appointed by the executive for that purpose, provided notice of such motion be given in the public news-papers at least three weeks previous to such motion. The governor, with advice of his council, may authorize and appoint the said commissioners who conduct the sale of the said lands, or any other person or persons on behalf of the commonwealth, to convey to the purchasers thereof an estate in fee simple in the same; but such conveyance shall not be made until the full consideration for which such lands have been sold shall be paid to the person or persons authorized by the governor, with advice of council, to receive such payment. If any purchaser of the said land shall make payment for any part of the said land before such payment shall be due, he shall be entitled to a discount at the rate of six per centum per annum. The said lands shall be sold for current money of Virginia, payable in Spanish milled dollars at the rate of six shillings each, or in other silver or gold coin at a proportionate value, which payment shall be secured in manner aforesaid; or for warrants drawn by the said

Public lands, called Gosport, annexed to town of Portsmouth.

Commissioners, how appointed To lay off into lots and streets.

Sale directed.

Notice of sale

On credit.

Mode of recovery.

Conveyances to purchasers.

Sale for specie or certificates.

tors of public accounts, or other person appointed by law for that purpose, for payment of debts due by this state to foreign creditors, which warrants shall express that the same are to be received in payment for the Gosport lands, and shall be countersigned by the governor or chief magistrate of this commonwealth. All the money arising under this act from the sale of the said Gosport lands, shall be applied to the payment of the debts due to foreign creditors, in such manner as the general assembly shall direct.

Bond of commissioners.

III. *And be it further enacted*, That the commissioners to be appointed under this act, shall, before they enter on the duty of their office, give bond to the governor or chief magistrate of this commonwealth and his successors, in the sum of twenty thousand pounds, for the true and faithful discharge of their duty; for which services they shall be allowed two per centum on the amount of the sales by them made.

Majority may act.

IV. *And be it further enacted*, That a majority of the commissioners appointed by this act, shall have full power and authority to make sale of the said lands, and to carry the same into effect in all other respects agreeable to the powers vested in them by this act.— So much of any former act as comes within the purview of this act, is hereby repealed.

CHAP. XXXIII.

[Chf. LXXII
in original.]

An act to amend the act For the better support of the supreme court in the Kentucky district.

Preamble.

I. WHEREAS the salaries at present allowed to the judges of the supreme court in the Kentucky district are inadequate to their services, and the funds out of which they are to be paid insufficient;

Salaries of judges of supreme court in Kentucky district, increased.

II. *Be it enacted by the General Assembly*, That in lieu of the salaries given to the said judges by the act, intituled "An act for the better support of the supreme court in the Kentucky district," they shall be allowed

annually, each, the sum of three hundred pounds: And in lieu of the funds at present destined for the payment thereof,

III. *Be it enacted*, That the deputy register shall pay in quarterly payments to each of the said judges, or their order, the sum of seventy five pounds, and shall take receipts therefor; which receipts, after having preserved a duplicate thereof in his office, he shall transmit to the register of the land office, who in his settlement, as by an act of the present session of assembly, intituled "An act for appropriating the fees of the land office in aid of the public revenue, and placing the register and his deputy on the civil list," is directed, shall be allowed to pass the same as cash.

To be paid by deputy register of land office.

IV. *And be it further enacted*, That the several courts of the counties within the Kentucky district, be, and they are hereby authorized and required, to appoint two of their own body, who shall meet together at the place fixed on by the supreme court of the said district, and determine on the sum of money necessary for building a court-house, prison, and other buildings necessary for the use of the said court, and shall apportion the said sum on the said several counties, according to such rule as they may judge most equitable; and each of the courts of the said counties are hereby authorized to levy the sums apportioned on their respective counties in the same manner as other county levies are raised within the same. The said buildings shall be erected at such place as the snpreme court shall judge best, and by such persons, and on such terms, as the clerk of the said court, under the direction of the court, shall contract for. Any justice of the peace failing herein, shall forfeit and pay the sum of fifty pounds, to be recovered by bill, plaint, or information, in the said supreme court; one half to the use of the informer, the other half to be applied to the purposes of this act.

Courthouse, prison, and other buildings for supreme court, how to be erected.

[Ch. LXXIII
in original.]

CHAP. XXXIV.

*An act to remedy certain impositions
in the adjustment of military claims.*

I. WHEREAS it hath been reported to this present session of assembly by the commissioners directed to be appointed by the executive at the last session, to inquire into impositions in the settlement of accounts with the auditors for pay and depreciation on military claims, that many such impositions have been made on forged certificates of service and other insufficient vouchers;

Impositions
in adjusting
military
claims on for-
ged, or insuf-
ficient vouch-
ers, how pre-
vented.

II. *Be it therefore enacted*, That the said commissioners shall be empowered, and are hereby directed to notify all persons, or in cases of death, their legal representatives, whose accounts, or any part thereof, they have adjudged, or shall hereafter adjudge to be founded on forged certificates of service, or any other insufficient vouchers, to furnish them with the best evidence they can in support of their said respective claims, for their reconsideration thereof; and if any person so notified, shall fail to furnish such evidence as shall satisfy the said commissioners of the justness of the claim in question, in the space of sixty days after receiving such notification, or to refund to the public the amount of the certificate or certificates drawn thereon, in the like certificates, together with the interest which may have been drawn thereon, in specie, or the interest warrants issued on such certificates, the governor, with the advice of council, is hereby directed to instruct the attorney general to prosecute such person, his heirs, executors, or administrators, for recovery thereof in the general court.

Remedy,
where certi-
ficates have
been drawn.

III. *And be it further enacted*, That in case any such settlement may have been made by a person not the original claimant, and a certificate or certificates obtained by him or her thereupon, and the person so settling and obtaining the said certificate or certificates, his or her heirs, executors, or administrators, shall prove satisfactorily that he or she was acting for the use and benefit of another person or persons, and that he or she had no interest whatever in the claim so settled; and in case of a forged certificate of service, the person so settling, being alive, shall also swear that he or she

had no privity or knowledge of such forgery, or reason to believe that the same was forged, such person, his or her heirs, executors, or administrators, shall not be obliged to refund as aforesaid, but recourse shall in every such case be had against the person or persons in whose behalf the settlement was made, his, her, or their heirs, executors, or administrators. The governor with the advice of council, shall draw on the contingent fund to enable the said commissioners to give the notifications aforesaid.

CHAP. XXXV.

Ch. LXXIV
in original.

An act for further continuing the act, intituled, "An act for calling in and funding the paper money of this state."

I. WHEREAS the act of assembly, passed in the year one thousand seven hundred and eighty-one, intituled, "An act for calling in and funding the paper money of this state," which has been continued and amended by several subsequent acts, will expire at the end of the present session of assembly, and it is expedient that a further time should be given to the holders of paper money for the purpose of funding the same;

Act for calling in and funding paper money further continued. ✓

II. *Be it therefore enacted*, That the said recited act shall continue and be in force from and after the expiration thereof, for and during the term of one year. *Provided nevertheless*, That nothing herein contained shall extend to so much of the aforesaid act as respects the purchase of warrants for unappropriated lands.

Ch. LXXV in
original.

CHAP. XXXVI.

An act giving James Rumsey the exclusive right of constructing and navigating certain boats for a limited time.

Preamble.

I. WHEREAS it is represented to this present general assembly, that James Rumsey hath invented boats which are constructed upon a model that will greatly facilitate navigation against the current of rapid rivers, whereby great advantages may be derived to the citizens of this state; and whereas the said James Rumsey hath made application for the sole and exclusive right and privilege of constructing and navigating such boats for the term of ten years as a recompence for this invention:

James Rumsey granted exclusive privilege of navigating boats against the stream.

II. *Be it therefore enacted*, That the said James Rumsey, his heirs, executors, and assigns, shall have the sole and exclusive right and privilege of constructing and navigating boats upon his model, in each and every river, creek, bay, inlet, or harbour within this commonwealth, for and during the said term of ten years, to be computed from the first day of January, one thousand seven hundred and eighty-five. If any person, other than the said James Rumsey, his heirs, executors, or assigns, shall during the term aforesaid, either directly or indirectly, construct, navigate, employ, or use, any boat or boats upon the model of that invented by the said James Rumsey, or upon the model of any future improvement which the said Rumsey may make thereon, he or they, for every boat so constructed, navigated, employed or used, shall forfeit and pay for every such offence the sum of five hundred pounds, to be recovered with costs, by action of debt, to be founded on this act, in any court of record; one half to the use of the party who will sue for the same, and the other half to the use of the said James Rumsey. *Provided always*, That the exclusive right and privilege hereby granted, may at any time during the said term of ten years, be abolished by the legislature, upon paying to the said James Rumsey, his heirs, executors, or assigns, the sum of ten thousand pounds current money of Virginia.

Penalty for infringing his privilege.

Right may be abolished, by paying a certain compensation, to the inventor.

CHAP. XXXVII.

Ch. LXXVI
in original.*An act to regulate the solemnization
of marriages.*

I. WHEREAS it is necessary to adopt one general mode for celebrating marriages throughout this state,

Marriages,
how celebra-
ted.

II. *Be it enacted by the General Assembly, That it shall and may be lawful for any ordained minister of the gospel in regular communion with any society of christians, and every such minister is hereby authorized to celebrate the rites of matrimony according to the forms and customs of the church to which he belongs, between any persons within this state, who, agreeable to an act of assembly, passed in the year of our Lord one thousand seven hundred and forty-eight, intituled, "An act concerning marriages," shall produce a marriage licence directed to any authorized minister of the gospel. Provided always, that every such minister shall first produce credentials of his ordination, and also of his being in regular communion with the christian society of which he is reputed a member, to the court of the county or borough in which he resides; shall take the oath of allegiance to this commonwealth, and enter into bond, with two or more sufficient securities, in the sum of five hundred pounds current money, payable to the governor for the time being and his successors, conditioned for the true and legal performance of this trust: Whereupon such court is hereby required to grant such minister, a testimonial in the following form, given under the hand and seal of the then sitting judge or senior magistrate, and attested by the clerk, to wit: "This shall certify to all whom it may concern, that at a court held for ———, on the ——— day of ———, one thousand seven hundred and ———, A. B. produced credentials of his ordination, and also of his being in regular communion with the ——— church, took the oath of allegiance to this commonwealth, and entered into bond, as required by an act of assembly, intituled, "An act to regulate the solemnization of marriages," and that he is thereby authorized to celebrate the rites of matrimony agreeable to the forms and customs of the said church, between any persons to him regularly applying therefor within this state. Given under my*

By any or-
dained minis-
ter,

To provide
credentials.

Testimonial.

hand and seal the day and year above written." Every testimonial so obtained, shall be taken as good and sufficient authority for celebrating the rites of matrimony according to law. *Provided nevertheless*, That no testimonial shall be granted to any minister who is itinerant, or who is not stated and settled within some parish or with some christian congregation within this commonwealth. *Provided also*, If any authorized minister shall himself at any time decline, or be ejected from his office by the church to which he belongs, or if any of his securities shall give him notice in writing that they desire to be released from their suretyship, in either of these cases, if he refuses or neglects to give up his testimonials to the court from which they were obtained, any one of his securities, without instituting a suit, may proceed against him as if they were his special bail in an action of debt until he is thereunto compelled or gives them sufficient caution for their indemnification.

Not to be granted to itinerant ministers.

Ministers ejected.

Quakers, menonists, and others, may unite in matrimony, according to the regulations of their societies.

III. *And be it further enacted*, That it shall and may be lawful for the people called quakers and menonists, or any other christian society that have adopted similar regulations in their church, to solemnize their own marriages, or to be joined together as husband and wife, by the mutual consent of the parties openly published and declared before their congregations when convened for religious worship, in the manner and agreeable to the regulations that have heretofore been practiced in the respective societies. And whereas some magistrates and others, not authorized by law, have been induced by the want of ministers, to solemnize marriages in the remote parts of this state;

Former marriages declared valid.

IV. *Be it enacted*, That all such marriages heretofore openly solemnized and made, or which shall be so made before this act shall take effect, and have been consummated by the parties cohabiting together as husband and wife, shall be taken, and they are hereby declared good and valid in law; and all and every person or persons solemnizing such marriages, are, and shall be exonerated from all pains and penalties as if they had been authorized ministers. *Provided always*, and it is the true intent and meaning of this act, That nothing herein contained shall extend or be construed to extend to confirm any marriage heretofore celebrated, or which may hereafter be celebrated, between parties within the degrees of consanguinity or affinity

Not to extend to marriages within prohibited degrees.

forbidden by law, or where either of the parties were bound by a prior marriage to a husband or wife then alive.

V. *And be it further enacted*, That instead of the fees heretofore prescribed by law, any authorized minister may demand and receive in current money, for the celebration of every marriage the sum of five shillings; and every clerk of a court for issuing a marriage license, may demand and receive the sum of fifteen pence. Fees.

VI. *And be it further enacted*, That every minister offending against any of the directions of this act, shall be subject to the same pains and penalties as in like cases are imposed by the said recited act "Concerning marriages." And that a register of all marriages may be preserved, Penalties.

VII. *Be it enacted*, That a certificate of every marriage hereafter solemnized, signed by the minister celebrating the same, or in the case of quakers, menonists, and other societies that solemnize their marriages by the consent of the parties taken in open congregation as aforesaid by the clerk of the meeting, shall be by such minister or clerk, as the case may be, transmitted to the clerk of the county wherein the marriage is solemnized within twelve months thereafter, to be entered on record by such clerk in a book by him to be kept for that purpose, which shall be evidence of all such marriages. The clerk shall be entitled to demand and receive of the party so married, the sum of fifteen pence for recording such certificate and giving the bearer a receipt therefor. And every minister or clerk of a congregation as the case may be, failing to transmit such certificate to the clerk of the court in due time, shall forfeit and pay the sum of twenty pounds current money; and if the clerk of any county shall fail to record such certificate, he shall forfeit and pay the like sum of twenty pounds; to be recovered, with costs of suit by the informer, in any court of record. Register of marriages, how to be preserved.

VIII. *And be it further enacted*, That this act shall commence and be in force from and after the first day of July next; and then immediately so much of every act or acts as comes within the purview and meaning of this act, shall be, and is hereby repealed. Penalty for failure.

[Ch LXXVII
in original.]

CHAP. XXXVIII.

*An act to amend the act, intituled An
act for clearing Roanoke river.*

I. WHEREAS an act, intituled "An act for clearing Roanoke river," hath been found ineffectual to prevent the continuance of stone stops in the said river, whereby a free navigation and the passage of fish are obstructed therein, to the great injury of many of the good citizens of this state: For remedy whereof,

Penalty for
obstructing
navigation of
Roanoke,
Dan, Staun-
ton, Smith's,
or Mayo ri-
vers, by
bridges, stone
stops, &c.

II. *Be it enacted*, That from and after the twentieth day of February, one thousand seven hundred and eighty-five, every person or persons, possessing, renting, or managing any land bordering on Roanoke, Dan, Staunton, Smith's, or Mayo rivers, who shall continue or suffer to be continued, any hedge, stone stop, or artificial obstruction between the middle of either of the aforesaid rivers, and such land so possessed, rented, or managed by him, her, or them, shall forfeit and pay the penalty of two thousand pounds weight of nett crop inspected tobacco for every week such hedge, stone stop, or artificial obstruction shall be continued after the party shall have had ten days previous notice of the contents of this act, provided it shall appear that such hedge, stone stop, or artificial obstruction is so erected as to obstruct the navigation or passage of fish at low water, in the aforesaid rivers or either of them; to be recovered with costs, on due proof, in any court of record, on bill, plaint, or information; one fourth to the informer, the other three fourths to be applied towards clearing the said rivers by the trustees appointed under the aforesaid act.

CHAP. XXXIX.

[Ch. LXXVIII
in original.]*An act to amend the act For establishing pilots, and regulating their fees.*

I. WHEREAS it is represented to this present general assembly, that the price allowed for pilotage of vessels, by the act, intituled "An act for establishing pilots, and regulating their fees," are inadequate to their services:

Additional
fees allowed
to pilots.

II. *Be it therefore enacted*, That every pilot may demand and take for each vessel drawing ten feet water and under, one-fifth more in addition to the sums respectively allowed by the foot in the said recited act.

CHAP. XL.

Ch. LXXIX
in original.*An act to explain and amend the act, intituled An act to amend an act, intituled an act for adjusting and settling the titles of claimers to unpatented lands under the present and former governments, previous to the establishment of the commonwealth's land office.*

I, WHEREAS by the act, intituled "An act to amend the act, intituled an act for adjusting and settling the titles of claimers to unpatented lands under the present and former government, previous to the establishment of the commonwealth's land office," county courts where empowered to grant certificates of settlement and pre-emption rights in certain cases. And whereas also, it has been doubted whether any person claiming lands by virtue of a treasury warrant, and caveating a person

Preamble.

claiming the same lands under such certificate of settlement and pre-emption, or being caveated by him, be allowed to examine into and contest the legality of such certificate in the trial of the cause, even though he had no previous notice that such certificate was to be applied for;

On trial of caveats, certificate of county courts, of settlement or pre-emption rights, not conclusive evidence of title.

Proof of testimony on which certificates granted admissible.

II. *Be it enacted*, That in all cases where any caveat has been or shall be entered by or against any person claiming lands by virtue of a certificate granted by a county court of a settlement and pre-emption right, or of a pre-emption right only, such certificate shall not of itself be considered as conclusive proof of the title of the person holding the same, but the opposite party, by or against whom such caveat may have been entered, shall be allowed to adduce any testimony proving that such certificate was granted contrary to law, or in any manner invalidating the said certificate. *Provided always*, That any magistrate, or officer belonging to the court, granting such certificate as aforesaid, and, who was present at the time of granting the same, may be admitted as a witness for either party to prove on what testimony such certificate was granted.



Ch. LXXX
in original.

CHAP. XLI.

An act vesting the estate of Stephen Yancey, deceased, in his children, and for other purposes.

Estate of Stephen Yancey, who was executed for murder, vested in his children.

I. *BE it enacted by the General Assembly*, That the whole estate, both real and personal of Stephen Yancey, who was convicted of murder at the session of the general court in October last, and executed accordingly, be, and the same is hereby vested in Waddy Thompson, Garret Minor, and Charles Yancey, gentlemen, trustees, to be by them or any two of them sold for the best price that can be had, giving one month's previous notice of the time and place of sale in the Virginia Gazette, and

convey the same to the purchasers in fee; the money arising from the sale thereof shall be applied by the said trustees, in the first place to the payment of the just debts of the said Stephen Yancey, and the residue to be divided and apportioned equally between the widow and children; and the portions of the latter paid by the said trustees to their guardian or guardians: *Provided*, That nothing herein contained shall be construed to hinder the widow of the said Stephen Yancey from taking her dower in the lands and one third of the slaves for life, if she prefers that, to a child's part of the lands and slaves. And whereas, several persons have been convicted of capital offences during the last session of the general court in December, and if they or either of them shall be executed for the same, their estates will be forfeited to the commonwealth, and it may be right and just that the same should remain to the use and for the benefit of the families of such unhappy persons;

Saving the widow's dower.

II. *Be it therefore enacted*, That the governor with the advice of council, may, upon application, remit to the wife and children of any such criminal, all the estate real and personal of which he may be seized, after paying the debts of such criminal, in just and equal proportions; any law, usage, or custom, to the contrary notwithstanding.

Governor & council may remit estates of criminals, who are executed, to the wife and children.

CHAP. XLII.

An act for further continuing and amending the act, for the inspection of pork, beef, flour, tar, pitch, and turpentine.

Ch. LXXXI
in original.

I. **WHEREAS** the act of assembly, passed in the year one thousand seven hundred and sixty-two, intituled, "An act for the inspection of pork, beef, flour, tar, pitch, and turpentine," which was continued and amended by several subsequent acts, will expire at the end of the present session of assembly, and it is expe-

dient and necessary that the same should be further continued and amended:

Act for inspection of pork, beef, flour, tar, pitch, and turpentine further continued.

II, *Be it therefore enacted*, That the act, intituled "An act for the inspection of pork, beef, flour, tar, pitch, and turpentine," except so much thereof as respects the article of flour, shall continue and be in force, from and after the expiration thereof, together with this act, for and during the term of ten years, and from thence until the end of the next session of assembly, and no longer.

Inspector's fees.

III. *And be it further enacted*, That the several inspectors appointed or to be appointed by virtue of the said recited act, shall receive the following fees in lieu of those heretofore established, to wit: For every barrel of pork or beef inspected and stamped, four pence; and for every barrel of tar, pitch, and turpentine, three pence.



[Ch. LXXXII
in original.]

CHAP. XLIII.

An act for opening and extending the navigation of Potowmack river.

Potowmack company incorporated.

I. WHEREAS the extension of the navigation of Potowmack river, from tide water to the highest place practicable on the North branch, will be of great public utility, and many persons are willing to subscribe large sums of money to effect so laudable and beneficial a work; and it is just and proper that they, their heirs, and assigns, should be empowered to receive reasonable tolls forever, in satisfaction for the money advanced by them in carrying the work into execution, and the risk they run: And whereas it may be necessary to cut canals and erect locks and other works on both sides of the river, and the legislatures of Maryland and Virginia, impressed with the importance of the object, are desirous of encouraging so useful an undertaking: Therefore,

Books to be opened for subscription.

II. *Be it enacted by the General Assembly of Virginia*, That it shall and may be lawful to open books in the city of Richmond, towns of Alexandria and

Winchester in this state, for receiving and entering subscriptions for the said undertaking, under the management of Jaquelin Ambler and John Beckley at the city of Richmond, of John Fitzgerald and William Hartsborne at the town of Alexandria, and of Joseph Holmes and Edward Smith at the town of Winchester, and under the management of such persons and at such places in Maryland as have been appointed by the state of Maryland, which subscriptions shall be made personally or by power of attorney, and shall be paid in Spanish milled dollars, but may be paid in foreign silver or gold coin of the value; that the said books shall be opened for receiving subscriptions on the eighth day of February next, and continue open for this purpose until the tenth day of May next, inclusive; and on the seventeenth day of the said month of May, there shall be a general meeting of the subscribers at the town of Alexandria, of which meeting notice shall be given by the said managers, or any four of them, in the Virginia and Maryland Gazettes, at least one month next before the said meeting; and such meeting shall and may be continued from day to day until the business is finished; and the acting managers at the time and place herein after-mentioned, shall lay before such of the subscribers as shall meet according to the said notice, the books by them respectively kept, containing the state of the said subscriptions; and if one half the capital sum hereinafter-mentioned, should, upon examination, appear not to have been subscribed, then the said managers at the said meeting, are empowered to take and receive subscriptions to make up the deficiency; and a just and true list of all the subscribers, with the sums subscribed by each, shall be made out and returned by the said managers, or any four or more of them, under their hands, into the general court of each state, to be there recorded; and in case more than two hundred and twenty-two thousand two hundred and twenty-two dollars and two ninths of a dollar, shall be subscribed, then the same shall be reduced to that sum by the said managers, or a majority of them, by beginning at and striking off a share from the largest subscription or subscriptions, and continuing to strike off a share from all subscriptions under the largest, and above one share, until the sum is reduced to the capital of two hundred and twen-

Meeting of
the subscri-
bers.

Amount of
capital.

In case of an
overplus sub-
scription,
mode of redu-
cing it.

Capital to be divided into 500 shares.

Unless one half of capital subscribed, the whole to be void.

To be incorporated as a company.

Style of corporation.

Rules for electing officers.

ty-two thousand two hundred and twenty-two dollars and two-ninths of a dollar, or until a share is taken from all subscriptions above one share, and lots shall be drawn between the subscribers of equal sums, to determine the numbers in which such subscribers shall stand, on a list to be made for striking off as aforesaid; and if the sum subscribed still exceeds the capital aforesaid, then to strike off by the same rule until the sum subscribed is reduced to the capital aforesaid, or all the subscriptions are reduced to one share: and if there still be an excess, then lots to be drawn to determine the subscribers who are to be excluded, to reduce the subscriptions to the capital aforesaid, which striking off shall be certified in the list aforesaid, and the said capital sum shall be reckoned and divided into five hundred shares, of four hundred and forty-four dollars and four-ninths of a dollar each, of which every person subscribing may take and subscribe for one or more whole shares, and not otherwise. *Provided*, That unless one half of the said capital shall be subscribed as aforesaid, all subscriptions made in consequence of this act, shall be void, and in case one half and less than the whole of the said capital shall be subscribed as aforesaid, then the president and directors are hereby empowered and directed to take and receive the subscriptions which shall first be offered in whole shares as aforesaid, until the deficiency shall be made up, a certificate of which additional subscriptions shall be made under the hands of the president and directors, or a majority of them for the time being, and returned to and recorded in the general courts, aforesaid.

III. *And be it enacted*, That in case one half of the said capital, or a greater sum, shall be subscribed as aforesaid, the said subscribers, and their heirs and assigns, from the time of the said first meeting, shall be, and are hereby declared to be incorporated into a company, by the name of the "Potowmack Company," and may sue and be sued as such; and such of the said subscribers as shall be present at the said meeting, or a majority of them, are hereby empowered and required to elect a president and four directors, for conducting the said undertaking, and managing all the said company's business and concerns, for and during such time, not exceeding three years, as the said subscribers, or a majority of them, shall think fit. And in counting the

votes of all general meetings of the said company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five shares above ten, by him or her held at the time in the said company; and any proprietor, by writing under his or her hand, executed before two witnesses, may depute any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

IV. *And be enacted*, That the said president and directors so elected, and their successors, or a majority of them assembled, shall have full power and authority, to agree with any person or persons, on behalf of the said company, to cut such canals, and erect such locks, and perform such other works as they shall judge necessary for opening, improving, and extending the navigation of the said river above tide water, to the highest part of the North Branch, to which navigation can be extended; and carrying on the same from place to place, and from time to time, and upon such terms, and in such manner, as they shall think fit; and out of the money arising from the subscriptions and the tolls, and other aids herein after given; to pay for the same, and to repair and keep in order the said canals, locks, and other works necessary thereto; and to defray all incidental charges; and also to appoint a treasurer, clerk, and such other officers; toll gatherers, managers, and servants, as they shall judge requisite; and to agree for and settle their respective wages or allowances, and settle, pass and sign their accounts; and also to make and establish rules of proceeding, and to transact all the other business and concerns of the said company, in and during the intervals between the general meetings of the same; and they shall be allowed as a satisfaction for their trouble therein, such sum of money as shall, by a general meeting of the subscribers, be determined: *Provided always*, That the treasurer shall give bond, in such penalty, and with such security, as the said president and directors, or a majority of them, shall direct, for the true and faithful discharge of the trust reposed in him, and that the allowance to be made to him for his services, shall not exceed three pounds in the hundred; for the disbursements by him made; and that no officer in the said company shall have any vote in the settlement or passing of his own account.

Authority of president and directors, to make contracts.

To appoint officers, and fix their compensation.

Bond and security, by treasurer.

Limitation of compensation.

Mode of collecting amount of shares, subscribed for.

May sell shares of delinquent subscribers.

May sue for deficiencies arising on sales.

Election of officers.

Vacancies supplied.

V. *And be it enacted*, That the said president and directors, and their successors, or a majority of them, shall have full power and authority, from time to time, as money shall be wanted, to make and sign orders for that purpose, and direct at what time, and in what proportion the proprietors shall advance and pay off the sums subscribed, which orders shall be advertised at least one month in the Virginia and Maryland Gazettes; and they are hereby authorized and empowered to demand and receive of the several proprietors, from time to time, the sums of money so ordered to be advanced for carrying on and executing, or repairing and keeping in order the said works, until the sums subscribed shall be fully paid, and to order the said sums to be deposited into the hands of the treasurer, to be by him disbursed and paid out as the said president and directors, or a majority of them, shall order and direct. And if any of the said proprietors shall refuse or neglect to pay their said proportions, within one month after the same so ordered and advertised, as aforesaid, the said president and directors, or a majority of them, may sell at auction, and convey to the purchaser, the share or shares of such proprietor so refusing or neglecting payment, giving at least one month's notice of the sale in the Virginia and Maryland Gazettes; and after retaining the sum due, and charges of sale out of the money produced thereby, they shall refund and pay the overplus, if any, to the former owner; and if such sale shall not produce the full sum ordered and directed, to be advanced as aforesaid, with the incidental charges, the said president and directors, or a majority of them, may, in the name of the company, sue for and recover the balance by action of debt, or on the case; and the said purchaser or purchasers, shall be subject to the same rules and regulations, as if the said sale and conveyance had been made by the original proprietor. And to continue the succession of the said president and directors, and to keep up the same number;

VI. *Be it enacted*, That from time to time, upon the expiration of the said term, for which the said president and directors were appointed, the proprietors of the said company, at the next general meeting, shall either continue the said president and directors, or any of them, or shall choose others in their stead; and in case of the death, removal, resignation, or incapacity of the president, or

any of the said directors, may and shall, in manner aforesaid, elect any other person or persons, to be president and directors, in the room of him or them so dying, removing, or resigning; and may at any of their general meetings, remove the president or any of the directors, and appoint others for and during the remainder of the term, for which such person or persons were at first to have acted.

Officers how removed.

VII. *And be it enacted*, That every president and director, before he acts as such, shall take an oath or affirmation, for the due execution of his office.

Oath of office

VIII. *And be it enacted*, That the presence of proprietors, having one hundred shares at the least, shall be necessary to constitute a general meeting; and that there be a general meeting of proprietors on the first Monday of August, in every year, at such convenient town as shall from time to time be appointed by the said general meeting; but if a sufficient number should not attend on that day, the proprietors who do attend may adjourn such meeting from day to day, till a general meeting of proprietors shall be had, which may be continued from day to day, until the business of the company is finished, to which meeting the president and directors shall make report, and render distinct and just accounts of all their proceedings, and, on finding them fairly and justly stated, the proprietors then present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly general meetings, after leaving in the hands of the treasurer, such sum as the proprietors or a majority of them shall judge necessary for repairs and contingent charges, an equal dividend of all the neat profits, arising from the tolls hereby granted, shall be ordered and made to and among all the proprietors of the said company, in proportion to their several shares; and upon any emergency in the interval between the said yearly meetings, the said president, or a majority of the said directors, may appoint a general meeting of the proprietors of the said company, at any convenient town, giving at least one month's previous notice in the Maryland and Virginia gazettes, which meeting may be adjourned and continued as aforesaid.

Meetings of the company.

IX. *And be it further enacted*, That for and in consideration of the expences the said proprietors will be

Property vested in the holders of shares, as tenants in common.

Declared real
estate.
Exempt from
taxations.

at, not only in cutting the said canals, erecting locks, and other works for opening the different falls of the said river, and in improving and extending the navigation thereof, but in maintaining and keeping the same in repair, the said canals and works, with all their profits, shall be, and the same are hereby vested in the said proprietors, their heirs, and assigns forever, as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be forever exempt from payment of any tax, imposition or assessment whatsoever; and it shall and may be lawful for the said president and directors, at all times forever hereafter, to demand and receive at the nearest convenient place below the mouth of the South branch, and at or near Payne's falls, and at or above the great falls of the river Potowmack, and every of these places separately, for all commodities transported through either of them respectively, tolls according to the following table and rates, to wit:

Tolls.

| | At the mouth of the South Branch. | | | At Payne's Falls. | | | At the Great Falls. | | |
|--|--------------------------------------|----|-----------------|----------------------|----|-----------------|------------------------|----|-----------------|
| | £. | s. | d. | £. | s. | d. | £. | s. | d. |
| Every pipe or hoghead of wine, containing more than 65 gallons, | 0 | 1 | 6 | 0 | 1 | 6 | 0 | 3 | 0 |
| Every hoghead of rum or other spirits, | 0 | 1 | 3 | 0 | 1 | 3 | 0 | 2 | 6 |
| Every hoghead of tobacco, | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 2 | 0 |
| Every cask between 65 and 35 gallons, one half of a pipe or hoghead, barrels one fourth part, and smaller casks or kegs in proportion, according to the quality and quantity of their contents of wine or spirits. | | | | | | | | | |
| For casks of linseed oil the same as spirits. | | | | | | | | | |
| Every bushel of wheat, peas, beans, or flaxseed, | 0 | 0 | 0 $\frac{1}{2}$ | 0 | 0 | 0 $\frac{1}{2}$ | 0 | 0 | 1 |
| Every bushel of Indian corn, or other grain, or salt, | 0 | 0 | 0 $\frac{1}{2}$ | 0 | 0 | 0 $\frac{1}{2}$ | 0 | 0 | 0 $\frac{1}{2}$ |
| Every barrel of pork, | 0 | 0 | 6 | 0 | 0 | 6 | 0 | 1 | 0 |
| Every barrel of beef, | 0 | 0 | 4 | 0 | 0 | 4 | 0 | 0 | 8 |
| Every barrel of flour, | 0 | 0 | 3 | 0 | 0 | 3 | 0 | 0 | 6 |
| Every ton of hemp, flax, pot-ash, bar or manufactured iron, | 0 | 2 | 6 | 0 | 2 | 6 | 0 | 5 | 0 |
| Every ton of pig-iron, or castings, | 0 | 0 | 10 | 0 | 0 | 10 | 0 | 1 | 8 |
| Every ton of copper, lead, or other ore, other than iron ore, | 0 | 2 | 0 | 0 | 2 | 0 | 0 | 4 | 0 |
| Every ton of stone, or iron ore, | 0 | 0 | 5 | 0 | 0 | 5 | 0 | 0 | 10 |
| Every hundred bushels of lime, | 0 | 1 | 3 | 0 | 1 | 3 | 0 | 2 | 6 |
| Every chaldron of coals, | 0 | 0 | 5 | 0 | 0 | 5 | 0 | 0 | 10 |

| | | | |
|---|-----------|-----------|-----------|
| Every hundred pipe staves, | £. 0 0 2½ | 2. 0 0 2½ | £. 0 0 4½ |
| Every hundred hogthead staves, or pipe or hogthead heading, | 0 0 1½ | 0 0 1½ | 0 0 3 |
| Every hundred barrel staves, or barrel heading, | 0 0 1 | 0 0 1 | 0 0 2 |
| Every hundred cubic feet of plank, or scantling, | 0 0 10 | 0 0 10 | 0 1 8 |
| Every hundred cubic feet of other timber, | 0 0 5½ | 0 0 5½ | 0 0 11 |
| Every gross hundred weight of all other commodities and packages, | 0 0 1½ | 0 0 1½ | 0 0 3 |

And every empty boat or vessel, which has not commodities on board, to yield so much, except an empty boat or vessel returning, whose load has already paid at the respective places, the sums fixed at each, in which case she is to repay toll free,

Which tolls are rated in sterling money, and may be discharged in foreign gold or silver coin of the present fineness, at the following rates, to wit:

| | | | |
|--|-------|-------|-------|
| | 0 2 6 | 0 2 6 | 0 5 0 |
|--|-------|-------|-------|

| | Sterling. | | | |
|---|-----------|---|--------|---|
| | £. | 0 | 4 | 6 |
| Spanish milled piece of eight, or dollar, | - | - | - | - |
| Other coined silver of equal fineness per ounce, | - | - | 0 5 1½ | - |
| English milled crowns, | - | - | 0 5 0 | - |
| French silver crowns, | - | - | 0 5 0 | - |
| Johannes weighing eighteen pennyweight, | - | - | 3 12 0 | - |
| Half Johannes weighing nine pennyweight, | - | - | 1 16 0 | - |
| Moidores weighing six pennyweight eighteen grains, | - | - | 1 7 0 | - |
| English Guineas weighing five pennyweight six grains, | - | - | 1 1 0 | - |
| French Guineas weighing five pennyweight five grains, | - | - | 1 0 10 | - |
| Doublons weighing seventeen pennyweight, | - | - | 3 6 0 | - |
| Spanish pistoles weighing four pennyweight six grains, | - | - | 0 16 6 | - |
| French milled pistoles weighing four pennyweight and four grains, | - | - | 0 16 4 | - |
| Arabian chequins weighing two pennyweight three grains, | - | - | 0 8 6 | - |
| Other gold coin (German excepted) by the pennyweight, | - | - | 0 4 0 | - |

But if any of the coins aforesaid, should hereafter be rendered less valuable than they are at present, either by lessening their weight, or therewith adding a greater quantity of alloy than is in them respectively at present, then so much of any of the said coins, the value of which is so reduced, to be received for the tolls aforesaid, as is equal in value to the said coins in their present state of fineness and weight, shall be payable for the said tolls at their reduced value only. And in case of refusal or neglect to pay the tolls at the time of offering to pass through any of the said places, and previous to the vessel's passing through the same, the collectors of the said tolls may lawfully refuse passage to such vessels, and if any vessel shall pass without paying the said toll, then the said collectors may seize such vessel wherever found, and sell the same at auction for ready money, which so far as is necessary shall be applied towards paying the said toll and all expenses of seizure and sale, and the balance, if any, shall be paid to the owner, and the person having the direction of such vessel, shall be liable for such toll, if the same is not paid by sale of such vessel as aforesaid. *Provided*, That the said proprietors or a majority of them, holding at least three hundred shares, shall have full power and authority at any general meeting, to lessen the said tolls or any of them; or to determine that any article may pass free of toll.

In case of refusal to pay toll, passage to vessel may be refused.

X. *And be it enacted*, That the said river and the works to be erected thereon in virtue of this act, when completed, shall forever thereafter be esteemed and taken to be navigable as a public highway, free for the transportation of all goods, commodities, or produce whatsoever, on payment of the tolls imposed by this act, and no other toll or tax whatever for the use of the water of the said river, and the works thereon erected, shall at any time hereafter be imposed by both or either of the said states, subject nevertheless to such regulations, as the legislature of the said states may concur in, to prevent the importation of prohibited goods, or to prevent fraud in evading the payment of duties imposed in both or either of the said states on goods imported into either of them. And whereas it is necessary for the making the said canal, locks, and other works, that a provision should be made for condemning a quantity of land for the purpose;

River and works to be esteemed a public highway.

Company
may purchase
lands.

Or, have them
condemned
by a jury.

Proceedings
thereon.

Further dam-
ages, how
compensated

XI. Be it enacted, That it shall and may be lawful for the said president and directors, or a majority of them, to agree with the owners of any land, through which the said canal is intended to pass, for the purchase thereof, and in case of disagreement, or in case the owner thereof shall be a feme-covert, underage non-compos, or out of the state, on application to any two justices of the county, in which such land shall lie, the said justices shall issue their warrants under their hands, to the sheriff of their county, to summon a jury of twenty-four inhabitants of his county of property and reputation, not related to the parties, nor in any manner interested, to meet on the land to be valued; at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter; and the sheriff upon receiving the said warrant, shall forthwith summon the said jury, and when met, provided that not less than twelve do appear, shall administer an oath or affirmation to every juryman that shall appear: "That he will faithfully, justly, and impartially, value the land, (not exceeding in any case the width of one hundred and forty feet) and all damages the owner thereof shall sustain by the cutting the canal through such land, according to the best of his skill and judgment; and that in such valuation, he will not spare any person through favor or affection, nor any person grieve through malice, hatred, or ill will." And the inquisition thereupon taken, shall be signed by the sheriff, and some twelve or more of the jury, and returned by the sheriff to the clerk of his county, to be by him recorded: And upon every such valuation, the jury is hereby directed, to describe and ascertain the bounds of the land by them valued, and their valuation shall be conclusive on all persons, and shall be paid by the said president and directors, to the owner of the land, or his legal representative; and on payment thereof, the said company shall be seized in fee of such land, as if conveyed by the owner to them, and their successors, by legal conveyance. *Provided nevertheless,* That if any farther damage shall arise to any proprietor of land, in consequence of opening such canal, or in erecting such works, than had been before considered and valued, it shall and may be lawful for such proprietor, as often as any such new damage shall happen, by application to, and a warrant from, any two justices of the county where the lands lie, to have such further

damage valued by a jury in like manner, and to receive and recover the same of the said president and directors. But nothing herein shall be taken or construed to entitle the proprietor of any such land to recover compensation for any damages which may happen to any mills, forges, or other water works or improvements which shall be begun or erected by such proprietor, after such first valuation, unless the said damage is wilfully or maliciously done by the said president and directors, or some person by their authority.

XII. *And be it enacted*, That the said president and directors, or a majority of them, are hereby authorized to agree with the proprietors for the purchase of a quantity of land, not exceeding one acre, at or near each of the said places of receipt of tolls aforesaid, for the purpose of erecting necessary buildings; and in case of disagreement, or any of the disabilities aforesaid, or the proprietor being out of the state, then such land may be valued, condemned, and paid for as aforesaid, for the purpose aforesaid; and the said company shall, upon payment of the valuation of the said land, be seized thereof in fee simple as aforesaid: And whereas, some of the places through which it may be necessary to conduct the said canals, may be convenient for erecting mills, forges, and other water works, and the persons, possessors of such situation, may design to improve the same, and it is the intention of this act, not to interfere with private property, but for the purpose of improving and perfecting the said navigation;

Land where-
on to erect
buildings for
toll-houses,
&c. how ac-
quired, and
how much.

XIII. *Be it enacted*, That the water or any part thereof, conveyed through any canal or cut made by the said company, shall not be used for any purpose but navigation, unless the consent of the proprietors of the land through which the same shall be led, be first had; and the said president and directors, or a majority of them, are hereby empowered and directed, if it can be conveniently done, to answer both the purposes of navigation and water works aforesaid, to enter into reasonable agreements with the proprietors of such situation, concerning the just proportion of the expences of making large canals or cuts capable of carrying such quantities of water as may be sufficient for the purposes of navigation, and also for any such water works as aforesaid.

No water to
be used from
canal but for
navigation,
without con-
sent of pro-
prietors.

Shares trans-
ferrable, in
what manner.

Restriction.

Subscriptions
in aid to be
received by
president and
directors.

XIV. *And be it enacted*, That it shall and may be lawful for every of the said proprietors to transfer his share or shares, by deed executed before two witnesses, and registered after proof of the execution thereof, in the said company's books, and not otherwise, except by devise, which devise shall also be exhibited to the president and directors, and registered in the company's books, before the devisee or devisees shall be entitled to draw any part of the profits from the said toll. *Provided*, That no transfer whatsoever shall be made, except for one or more whole share or shares, and not for part of such shares, and that no share shall at any time be sold, conveyed, transferred or held in trust, for the use and benefit, or in the name of another, whereby the said president and directors or proprietors of the said company, or any of them, shall or may be challenged or made to answer, concerning any such trust, but that every such person appearing as aforesaid, to be a proprietor, shall, as to the others of the said company, be to every intent taken absolutely as such; but as between any trustee and the person for whose benefit any trust shall be created, the common remedy may be pursued. And whereas, it hath been represented to this general assembly, that sundry persons are willing and desirous, on account of the great public advantages and improvement their estates may receive thereby, to promote and contribute towards so useful an undertaking, and to subscribe sums of money to be paid on condition the said works are really completed and carried into execution, but do not care to run any risk, or desire to have any property therein:

XV. *Be it therefore enacted*, That the said president and directors shall be, and are hereby empowered to receive and take in subscriptions, upon the said condition, and upon the said works being completed and carried into execution, according to the true intent and meaning of this act, that it shall and may be lawful for the said president and directors, or a majority of them, in case of refusal or neglect of payment, in the name of the company as aforesaid, to sue for and recover of the said subscribers, their heirs, executors or administrators, the sums by them respectively subscribed, by action of debt, or upon the case, in any court of record within this state.

XVI. *And be it enacted*, That if the said capital, and the other aids already granted by this act, shall prove insufficient, it shall and may be lawful for the said company, from time to time, to increase the said capital by the addition of so many more whole shares, as shall be judged necessary by the said proprietors or a majority of them, holding at least three hundred shares, present at any general meeting of the said company. And the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice thereof in the Maryland and Virginia gazettes, to open books at the before-mentioned places, for receiving and entering such additional subscriptions, in which the proprietors of the said company for the time being, shall, and are hereby declared to have the preference of all others for the first thirty days after the said books shall be opened as aforesaid, of taking and subscribing for so many whole shares as any of them shall choose. And the said president and directors are hereby required to observe in all other respects the same rules therein, as are by this act prescribed, for receiving and adjusting the first subscriptions and in like manner to return, under the hands of any three or more of them, an exact list of such additional subscribers, with the sums by them respectively subscribed, into the general courts aforesaid, to be there recorded, and all proprietors of such additional sums, shall, and are hereby declared to be, from thenceforward, incorporated into the said company.

Capital of the company may be increased.

XVII. *And it is hereby declared and enacted*, That the tolls herein before allowed, to be demanded and received at the nearest convenient place below the mouth of the South Branch, are granted, and shall be paid on condition only, That the said Potowmack company shall make the river well capable of being navigated in dry seasons, by vessels drawing one foot water from the place on the North Branch, at which a road shall set off to the Cheat river, agreeably to the determination of the assemblies of Virginia and Maryland, to and through the place which may be fixed on, below the mouth of the South Branch, for receipt of the tolls aforesaid; but if the said river is only made navigable as aforesaid, from Fort Cumberland, to and through the said place below the mouth of the South Branch, then only two-thirds of the said tolls shall be there received.

Conditions on which tolls are made payable.

That the tolls herein before allowed, to be demanded and received at or near Payne's falls, are granted and shall be payable on condition only, that the said Potowmack Company shall make the river well capable of being navigated in dry seasons, by vessels drawing one foot water, from the said place of collection, near the mouth of the South Branch, to and through Payne's falls as aforesaid. That the tolls herein before allowed to be demanded and received at the Great Falls, are granted and shall be payable on condition only, that the said Potowmack Company shall make the river well capable of being navigated in dry seasons, from Payne's falls to the Great falls, by vessels drawing one foot water, and from the Great falls to tide water, and shall at or near the Great falls make a cut or canal, twenty-five feet wide, and four feet deep, with sufficient locks, if necessary, each of eighty feet in length, sixteen feet in breadth, and capable of conveying vessels or rafts drawing four feet water at the least, and shall make at or near the Little falls such canal and locks, if necessary, as will be sufficient and proper to let vessels and rafts aforesaid, into tide water, or render the said river navigable in the natural course.

Charter how
forfeitable.

XVIII. *And it is hereby provided and enacted*, That in case the said company shall not begin the said work within one year after the company shall be formed, or if the navigation shall not be made and improved between the Great falls and Fort-Cumberland, in the manner herein before mentioned, within three years after the said company shall be formed, that then the said company shall not be entitled to any benefit, privilege, or advantage, under this act: And in case the said company shall not complete the navigation through and from the Great falls to tide water as aforesaid, within ten years after the said company shall be formed, then shall all interest of the said company and all preference in their favor, as to the navigation and tolls, at, through, and from the Great falls to tide water, be forfeited and cease.

XIX. *And be it enacted*, That all commodities of the produce of either of the said states, or of the western country, which may be carried or transported through the said locks, canals, and river, may be landed, sold, or otherwise disposed of free from any other duties, impositions, regulations, or restrictions, of any kind, than

the like commodities of the produce of the state in which the same may happen to be so landed, sold, shipped or disposed of.

XX. *And be it further enacted*, That the treasurer of this commonwealth shall be authorized and directed to subscribe to the amount of fifty shares in behalf of the same, and the money necessary in consequence of such subscription, shall be paid as the same shall be required. And the treasurer for the time being, shall have a right to vote according to such shares, in person or by proxy, appointed by him, and shall receive the proportion of the tolls aforesaid, which shall from time to time become due to this state for the shares aforesaid.

Treasurer to
subscribe for
fifty shares .

XXI. *And be it further enacted*, That so much of every act and acts within the purview of this act, shall be, and the same is hereby repealed.

Repealing
clause.

CHAP. XLIV.

Ch. LXXXIII
in original.

An act for vesting in George Washington, esq. a certain interest in the companies established for opening and extending the navigation of Potowmack and James rivers.

I. WHEREAS it is the desire of the representatives of this commonwealth to embrace every suitable occasion of testifying their sense of the unexampled merits of George Washington, esquire, towards his country; and it is their wish in particular that those great works for its improvement, which, both as springing from the liberty which he has been so instrumental in establishing, and as encouraged by his patronage, will be durable monuments of his glory, may be made monuments also of the gratitude of his country:

Preamble.

By Madison.

H. *Be it enacted by the General Assembly*, That the treasurer be directed, in addition to the subscrip-

50 shares in
Potowmack
company, and

100 shares in James river company, vested in Geo Washington, esq.

tions he is already authorized to make to the respective undertakers for opening the navigations of Potomack and James rivers, to subscribe to the amount of fifty shares to the former, and a hundred shares to the latter, to be paid in like manner with the subscriptions above-mentioned; and that the shares so subscribed, be, and the same are hereby vested in George Washington, esq. his heirs and assigns, forever, in as effectual a manner as if the subscriptions had been made by himself or by his attorney.

Ch LXXXIV
in original.

CHAP. XLV.

An act to amend the act For equalizing the land tax.

I. WHEREAS several county courts within this commonwealth have failed to appoint commissioners pursuant to the act "For equalizing the land tax," by reason whereof the tax on lands could not be collected in the said counties;

Courts having failed to appoint commissioners equalizing the land tax, now to do it.

II. *Be it enacted by the General Assembly, That the courts of such counties shall, before the first day of May next, nominate and appoint two fit persons to execute the office of commissioners within their respective counties, pursuant to the directions the said act.—* On failure in any counties to make such appointment, the governor, with the advice of the council (being notified of such failure by the clerk of such court, which he is hereby required to do under the penalty of five hundred pounds, recoverable by bill, plaint, or information, in any court of record within this commonwealth) shall, and he is hereby authorized and required to appoint commissioners in such counties to carry into execution the above recited act.

Sheriffs to collect the land tax, as if requisitions of former law had been complied with.

III. *And be it further enacted, That the sheriffs of the said counties shall, and they are hereby required, to collect the said taxes in like manner as the former sheriffs might have done if the requisitions of the said act had been complied with, and to account for and pay*

the same into the treasury, on or before the first day of May, in the year one thousand seven hundred and eighty-six.

CHAP. XLVI.

[Ch. LXXXV
in original.]

An act to amend the act, intituled An act to amend and reduce the several acts of assembly for the inspection of tobacco, into one act.

I. *BE it enacted by the General Assembly, That* the inspectors at the several warehouses within this commonwealth, shall, on or before the first day of April next, give bond with sufficient security in the court of the county where such warehouses may be, in the sum of two thousand pounds, payable to the governor and his successors, with condition for the due accounting for and paying the tax or duty on tobacco, and they shall be allowed two and a half per centum for collecting and paying the said tax into the treasury. Every inspector hereafter appointed, shall, before he enters upon his office, give the like bond and security; copies of which bonds shall be by the clerk of the court transmitted to the solicitor within two months, under penalty of two hundred pounds in case of failure. If the inspectors at any warehouse shall neglect or fail to account for and pay the tax or duty on tobacco at the times required by law, for every such neglect or failure they shall forfeit and pay the sum of five hundred pounds, to be recovered, on motion by the solicitor, in the general court, on giving the parties ten days previous notice in writing of such motion. And whereas frauds have been committed by persons receiving duplicate notes for tobacco, alledging the original to have been lost or mislaid: For prevention whereof in future,

Inspectors of tobacco to give bond, for payment of duty on tobacco.

Commission for collecting

Penalty for failure to pay duties.

II. *Be it enacted, That* no person shall be entitled to receive such duplicate note from the inspectors, until he shall first have advertised the loss of the original, at

No duplicate for tobacco lost, to be granted, un

til the lost
note be ad-
vertised, and
bond security
given.

the courthouse of the county in which such inspection may be, on the court day, and at the inspection where the tobacco was brought, at least four weeks before the said duplicate note shall be granted, and shall moreover give bond with sufficient security, to the inspectors, in double the amount of the tobacco so claimed, to indemnify the person who may thereafter produce the original note, the value by him paid for the same. And whereas great impositions have been committed by the pickers of tobacco at the public wares, and in some instances there is good cause to suspect the inspectors are concerned with them;

Penalty in in-
spectors and
pickers of to-
bacco con-
cerned in in-
terest.

III. *Be it therefore enacted*, That if any inspector of tobacco shall in any manner be concerned as a partner with, or receive from any picker of tobacco, money, or any gratuity, every inspector herein offending, on conviction before any court of record, shall forfeit and pay five hundred pounds to the prosecutor, to be recovered by action of debt, with costs; and shall moreover be rendered incapable of serving as an inspector. Every picker who shall be concerned as above with an inspector, or who shall demand, take, or receive any greater fee or reward for his services, other than by law allowed, shall forfeit and pay, on conviction, to the person prosecuting, the sum of one hundred pounds, to be recovered in like manner, and shall for ever after be incapable of acting in any character at a public warehouse. And whereas the salaries allowed the inspectors at Alexandria, in the county of Fairfax, are inadequate to their trouble, as the quantity of tobacco carried thither is greatly increased;

IV. *Be it enacted*, That instead of the salaries heretofore established, the said inspectors shall each receive a salary of sixty pounds.

CHAP. XLVII.

Ch. LXXXVI
in original.]

An act to increase the number of trustees for the town of Portsmouth, directing their annual election, and for granting certain powers to the corporation of the borough of Norfolk.

I. WHEREAS it hath been represented to this assembly, that the number of the trustees for the town of Portsmouth is not sufficient to discharge the duties of the said trust with convenience, and that it would be for the benefit of the inhabitants of the said town, if the election of the said trustees was annual: Preamble.

II. *Be it therefore enacted*, That five discreet persons, being freeholders and resident in the said town of Portsmouth, shall, on the third Tuesday in January next be elected, by the freeholders and house-keepers thereof, as trustees, in addition to the seven already chosen; that such election be made and conducted in manner directed by the act "To empower the freeholders of the several towns not incorporated to supply the vacancies of the trustees and directors thereof." That on the third Tuesday in April, one thousand seven hundred and eighty-six, and at the same time in every year thereafter, the freeholders and house-keepers of the said town shall elect and choose twelve discreet persons, being freeholders and resident therein, to be trustees of the said town, in the stead and place of those chosen at the preceeding election. And whereas, by an act of assembly passed in the year one thousand seven hundred and eighty-two, intituled "An act for giving certain powers to the corporation of the city of Richmond, and for other purposes," the corporation of the borough of Norfolk are empowered to make certain alterations in the streets of the said borough, which alterations, if adopted as to Church street, will be a disadvantage to the said borough: For prevention whereof, Additional trustees for the town of Portsmouth to be elected.

III. *Be it enacted*, That instead of the alterations directed to be made by the said recited act, concerning Church street, the corporation in the said borough of Number of trustees to be annually elected.

VOL. XI.

R 3

Other alterations in church street in Norfolk, authorized, instead of those specified in former act.

Norfolk shall, and they are hereby empowered to cause the said street to be made fifty feet wide from the south east corner of the Church-yard wall an easterly course across the said street, and running from those two points in a direct line the course of the street as it now runs down, until it intersects the Main street; from thence through the lots of Paul Loyall, Thomas Ritson, Samuel Burke, and Solomon Wilson, and from thence down to the river the course of the said lots. And that the said borough shall have like power to extend the said street from the south-east corner of the said church-yard wall to the northwardmost limits of the said borough, agreeable to the present course of the said street. Any thing in the said recited act to the contrary notwithstanding.



Ch. LXXXVII
in original.

CHAP. XLVIII.

An act to amend the act "For clearing Mattapony river."

Preamble.

I. WHEREAS in execution of two acts of assembly for clearing Mattapony river, passed respectively in the years one thousand seven hundred and fifty three, and one thousand seven hundred and seventy, the trustees named in the last act did raise by subscription and lay out a considerable sum of money in the clearing of the said river, and rendered the same navigable as high as Burk's bridge, in the county of Caroline, to the great emolument of the inhabitants on and near the said river, and the general increase of commerce; but the commencement of the war soon afterwards withdrew the attention of the trustees, and gave an opportunity to idle persons of erecting hedges and stops in the said river, which stopping all trees and rubbish floating down the same, have formed bars and obstructions therein, wholly defeating the benevolent purpose of the subscribers, who are yet willing to incur the expence of again opening the navigation, provided they can be secured in having it preserved, which can only be effected by com-

selling proprietors of lands on the river to keep it, after being cleared free from artificial obstructions, and that is judged reasonable on account of the great benefit they will derive therefrom:

II. *Be it therefore enacted by the General Assembly,* That as soon as the trustees under the said former acts shall have removed all obstructions to the navigation thereof in manner therein directed, so that a boat carrying eight hogsheads of tobacco can freely and safely pass as high as Burk's bridge, from thenceforth the proprietors of the land on both sides of the said river below the said bridge, having notice thereof, shall be obliged to take up, remove, and destroy all artificial obstructions which may be placed therein contiguous to or opposite his or her land, under the penalty of forfeiting and paying the sum of five pounds for every twelve hours the same shall be or remain therein, to be recovered by the trustees in any court of record within this commonwealth with costs, on motion; provided the party has ten days previous notice of every such motion. If the said trustees shall in like manner open the navigation of the said river above Burk's bridge, then and from thenceforth the proprietors of the land on the river, as far as the same shall be so cleared, shall be obliged to keep it open in like manner and subject to the same penalty for neglect as is prescribed in the case of proprietors below the said bridge. If any person shall fall a tree into the river, or cast any rubbish therein, or fix any hedge or other obstruction opposite to the land of another, such person shall be liable to the proprietor for the expence of removing the tree or rubbish, together with the penalty or penalties (if any) and costs levied on such proprietors on account of such tree or rubbish, to be recovered, if under twenty five shillings before any justice of the peace, and if above that sum, in the manner before directed in the case of the proprietors of lands adjoining the said river failing to remove artificial obstructions. If any person shall fail or neglect to pay his or her subscription at the time the same shall be payable, it shall be lawful for the trustees, and they are hereby empowered, to recover the same with costs in any court of record within this commonwealth, on motion, if the sum amounts to twenty five shillings or upwards, and if under that sum, by warrant before a justice of the peace where the party resides; provided

Proprietors of lands on Mattapony river to remove artificial obstructions, opposite their lands.

Penalty for fixing hedge, or other obstruction to navigation of that river.

ten days previous notice be given to the party in writing of every such motion. All the penalties recovered by the said trustees by virtue of this act, shall be by them applied towards improving the navigation of the said river.

CHAP. XLIX.

[Chapter
LXXXVIII in
original.]

An act for incorporating the Protestant Episcopal Church.

Repealed,
1786, ch. 12.

Protestant
episcopal
church incor-
porated.

Style of cor-
poration.

I. WHEREAS the clergy of the Protestant Episcopal Church, by their petition presented, have requested, that their church may be incorporated; *Be it enacted by the General Assembly, That* every minister of the Protestant Episcopal Church, now holding a parish within this commonwealth, either by appointment from a vestry or induction from a governor, and all the vestrymen in the different parishes now instituted, or which hereafter may be instituted within this commonwealth, that is to say: The minister and vestrymen of each parish respectively, or in case of a vacancy, the vestry of each parish, and their successors forever, are hereby made a body corporate and politic, by the name of "The minister and vestry of the Protestant Episcopal Church," in the parish where they respectively reside; and by the name, stile, and title aforesaid, they and their successors shall forever lawfully have, hold, use, and enjoy all and every tract or tracts of glebe land already purchased, the churches and chapels already built, with the burying-grounds belonging to them, and such as were begun and contracted for before the first day of January, in the year one thousand seven hundred and seventy-seven, for the use of the parishes, with their hereditaments and appurtenances; and all books, plate, and ornaments appropriated to the use of, and every other thing the property of the late established church, to the sole and only proper use and benefit of the Protestant Episcopal Church in the parish where

the respective ministers and vestries reside (except the glebe in the county of Augusta; the rents or profits arising from which, that are now due, or that shall become due, until a sufficient number of the professors of the church now incorporated by this act, shall be formed into a society in the said county, shall be, by the overseers of the poor, applied to the repairing the church and church-yard, and for the support of the poor of the said county) and where the property is situate and being, agreeable to the true intent for which it was purchased or given; and by the name, stile, and title, aforesaid, they shall be capable in law to hold, maintain, and recover all their estates, rights, and privileges, and to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all suits, controversies, causes, actions, matters, and things, in any court or courts of law or equity whatsoever, and shall have one common seal and perpetual succession.

Corporate powers.

II. *Provided always, and be it further enacted*, That in all proceedings of the aforesaid ministers and vestries, all matters shall be decided by a majority of votes, and the minister shall in no case have a negative on the proceedings of the said corporation, except where his vote shall be with or make a majority of the votes present at any meeting of the said corporation.

Questions decided by a majority of votes.

Minister to have no negative.

III. *And be it further enacted*, That the respective incorporated ministers and vestries of the Protestant Episcopal Church, shall have full power, good right, and lawful authority to have, take, receive, acquire, purchase, use, and enjoy lands, tenements, and hereditaments, and all goods and chattels, and to demise, alien, improve, and lease (glebe lands intended for the ministers residence, excepted, and those to lease and improve during a vacancy) the said lands, tenements, and hereditaments, and to use and improve such goods and chattels to the use and benefit of the said church within their respective parishes, not to exceed eight hundred pounds yearly rent or income; any law, usage, or custom to the contrary notwithstanding. And that it shall be lawful for the said ministers and vestries of the Protestant Episcopal Church, to apply any goods or chattels belonging to the said church, to the purpose of erecting or repairing churches, or building or repairing dwelling or other houses for the use of their

Power to acquire and dispose of property.

ministers, or school-houses, as they shall, from time to time, think necessary within their respective parishes.

Meetings of
society, how
convened.

IV. *And be it further enacted*, That the minister, or in case of absence or vacancy, the churchwardens shall call a meeting of the incorporated body, as often as it shall be deemed needful, and seven of the said body shall be a sufficient number to constitute a meeting for the dispatch of business, and shall have power, except in cases of demising, alienation, or leasing, in which cases a concurrence of a majority of the whole shall be necessary to make such rules and orders, for managing all the temporal affairs and concerns of said church, as they, or the major part of them so met, shall agree upon, and shall think most conducive to the interest and prosperity of that church; and shall have the sole disposition and ordering of all payments of the monies belonging to the said church, and also the appointing a clerk, a treasurer, and collector, whenever they judge it necessary; and the said clerk, treasurer, and collector, at their pleasure, to remove, and to appoint others in their stead; all which orders and rules, they shall cause to be fairly entered and preserved in books to be provided for that purpose.

Power of ap-
pointing and
removing of
ficars.

Vestries, how
elected.

V. *And be it further enacted*, That in whatever parish or parishes within this commonwealth, ministers and vestrymen are wanting to form a body corporate and politic, agreeable to the directions of this act, it shall be lawful for any two reputable inhabitants, members of the Episcopal church, to call together, at some convenient place, by notice duly given, the members of the said church residing within such parish or parishes, and there elect by a majority of votes, twelve able and discreet men, members of the Protestant Episcopal Church, who shall be a vestry to all intents and purposes; and who, with their minister, or during a vacancy without a minister, shall be a body corporate and politic, by the same name, and shall enjoy all the rights, powers, privileges, and immunities, as by this act are given to the respective ministers and vestries of the Protestant Episcopal Church within this commonwealth.

Qualification
of electors of
vestry-men.

VI. *And be it further enacted*, That at all future elections of vestries, no person shall be allowed to vote who does not profess himself a member of the Protestant Episcopal Church, and actually contribute toward its support. There shall be elections of vestrymen every

third year, forever; the first elections to be held on Monday in next Easter week, if fair, if not, the next fair day; and all succeeding elections on the same day (except as before excepted) in every third year; which elections shall be held and conducted in the following manner, viz. The members of the Protestant Episcopal Church, shall assemble at their respective parish churches, or at some other convenient place in the parish, on Easter Monday (except as before excepted) every third year, and then and there elect twelve able and discreet men, members of the same church, who shall, previous to their entering on the office of vestrymen, subscribe in vestry to be conformable to the doctrine, discipline, and worship of the Protestant Episcopal Church. Two of the vestry so chosen, shall, by a majority of the vestry assembled, be nominated church wardens, who, or either of whom, and their successors, shall preside at all future elections, shall take care that the elections are conducted in a fair and orderly manner, and shall be judges of the qualifications of electors: And to the intent that vacancies in vestries may be filled up.

Mode of conducting elections.

Churchwardens.

VII. *Be it enacted*, That whenever vacancies in vestries shall happen, either by death, resignation, or removal from the parish, the remaining vestrymen, or a quorum of them, shall choose such persons as they may judge proper to supply the office of vestrymen, who, on their subscribing in vestry as before directed, shall continue in office until the next general election of vestries, except they remove from the parish for which they were elected, or shall resign.

Vacancies, how supplied.

VIII. *And be it further enacted*, That the ministers and vestries of the respective parishes, or the person or persons authorized by them to manage the temporal concerns of the Protestant Episcopal Church in the respective parishes, shall, and they are hereby required, on the court-day of their respective counties next following the triennial elections, and so continually once in every three years, at the court aforesaid, to exhibit upon oath, an account and inventory of all the estate both real and personal belonging to their respective churches or religious societies, together with the account of the annual revenue arising therefrom; and in case the vestry of any parish, or the person or persons entrusted with the care of the temporalities of the re-

Inventory of property, and amount of revenue, to be triennially exhibited to county court.

spective churches or religious societies of the Protestant Episcopal Church, shall fail to exhibit an account and inventory of the estate and annual revenue of the said churches respectively, for the space of twelve months after the expiration of the three years, within which time, they are hereby required to render such account and inventory, the vestry for the parish thus failing, shall forfeit and pay the sum of one hundred pounds, to the use of the commonwealth, to be recovered by action of debt in any court of record; and in case the account and inventory shall not be returned at the time appointed after the next general election, the vestry thus failing, shall cease to be a body corporate.

If revenue exceed 800l. per annum. to be laid before the general assembly

IX. *And be it further enacted,* That in all cases where it shall appear by the account and inventory rendered as aforesaid, that the annual revenue of any church exceeds the said sum of eight hundred pounds, the court before whom such account is rendered, is hereby required to report the same, together with the account and inventory by which such excess appears, to the executive, to be by them laid before the general assembly at their next session. And to the intent that the Protestant Episcopal Church may be released from those restraints which are yet imposed on her by the laws of this commonwealth,

Church released from all restraints imposed by former laws.

X. *Be it enacted,* That all former acts relating to the elections, qualifications, powers, and duties of vestrymen and churchwardens, all former acts for the support of the clergy, all former acts relating to the appointment or qualifications or duties of ministers, all acts enjoining the observance of any particular liturgy or form of worship, the use of any particular catechism or mode of faith, and the observance of fasts and festivals, and all former acts imposing penalties on clergymen for neglecting to keep registers, or neglecting to give notice of any observance, or publishing any law, and every other act or clauses of acts within the purview of this act, are hereby repealed; and all the vestries within this commonwealth, are, on the day before the Monday in next Easter week, declared to be dissolved; and the Protestant Episcopal Church within this commonwealth, are hereby authorized to regulate (in conventions of their church, to be held so often as, and where they think proper, and to consist of a deputation of two persons from each parish, whereof the

All vestries dissolved.

Church, in convention, to regulate its own religious con-

minister shall always be one, if there be a minister in the parish, and the other person or persons shall be appointed by the vestries) all the religious concerns of that church, its doctrines, discipline, and worship, and to institute such rules and regulations as they may judge necessary for the good government thereof, and the same to revoke and alter at their pleasure. Forty persons so appointed, shall be a convention, and the first meeting may be at the call of any three ministers of the Protestant Episcopal Church. *Provided*, That no rules or regulations shall be instituted that shall be repugnant to the laws and constitution of this commonwealth, or by which a minister may be received into, or turned out of a parish, contrary to the consent of a majority of a vestry.

XI. *And be it further enacted*, That the ministers and laymen met in general convention, shall have full power and authority, on good cause to them shewn, to remove from any parish any minister accused of unworthy behaviour, or neglecting the duties of his office.

Ministers,
how remov-
ed.

XII. *And be it further enacted*, That where it shall have happened, that the present vestries have failed in any parish to lay their parish levy, and to make provision for their poor, or other legal demands against such vestry, at the time prescribed by law, such vestries having so failed, are hereby authorised to levy on their respective parishes, all arrearages due from the said vestry, in the same manner as they might have done before the passing of this act; any thing in this act to the contrary notwithstanding.

Vestries to
lay levies and
provide for
poor.

CHAP. L.

Ch. LXXXXIX
in original.

An act for dissolving the vestry of the parish of Southfarnham, in the county of Essex.

I. WHEREAS it hath been represented to this present general assembly, that the present vestry of the

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parish of Southfarnham, in the county of Essex, have not been elected by the freeholders and house-keepers of the said parish, but as vacancies have happened therein, they have been supplied by the vestrymen themselves: For remedy whereof,

II. *Be it enacted*, That the vestry of the said parish of Southfarnham be, and the same is hereby dissolved.

Vestry of parish of Southfarnham, in county of Essex, dissolved, and a new vestry to be elected.

III. *And be it further enacted*, That the freeholders and house-keepers of the said parish of Southfarnham shall, before the tenth day of April next, meet at some convenient time and place to be appointed, and publicly advertised by the sheriff of the said county of Essex at least one month before such meeting, and there and there elect twelve of the most able and discreet persons, being freeholders and residents in the said parish, for vestrymen; which vestrymen so elected, having in the court of the said county of Essex, taken the oaths prescribed by law, shall to all intents and purposes be deemed and taken to be the vestry of the said parish of Southfarnham.

IV. *And be it further enacted*, That the vestry of the said parish of Southfarnham to be elected by virtue of this act, shall levy and assess upon the tithable persons of the said parish, all such sums of money and quantities of tobacco as ought to have been levied and assessed by the said vestry. *Provided nevertheless*, That notwithstanding any thing in this act contained, any suit or suits brought by or against the vestry or churchwardens of the said parish, and now depending, may be prosecuted in the same manner as if this act had never been made.

CHAP. LI.

Chap. XC in
original.*An act concerning the arrears of levies due in the parish of Saint Thomas, in the county of Orange.*

I. WHEREAS it hath been represented to this assembly, by William Buckner, of the county of Orange, that he was collector of the levies in the parish of Saint Thomas, in the said county, for the year one thousand seven hundred and seventy-six; that a judgment was obtained, against him, in the court of the said county, by the vestry of the said parish, in the year one thousand seven hundred and eighty-one, for nine thousand eight hundred and sixty-eight pounds of tobacco, the balance due on account of the said collection, and that there still remains due to the said William Buckner, a much larger quantity of tobacco for arrears of the said levies which he could not collect, as he was not authorized by law to make distress for the same; And whereas it would be burthensome to those so in arrears to be compelled to pay tobacco, or money in lieu thereof at the present price, and it is unjust that the said William Buckner should be compelled to pay the tobacco due on the said judgment, unless he is authorized to receive or collect the arrears so due to him in kind: For remedy whereof,

Preamble.

II. *Be it enacted by the General Assembly, That it shall and may be lawful for the said William Buckner to satisfy and pay the balance of the said nine thousand eight hundred and sixty-eight pounds of tobacco (after deducting therefrom the amount of insolvents, to the first day of January, one thousand seven hundred and eighty-five) either in tobacco, or in money in lieu thereof, at the rate of ten shillings per hundred. Every person in arrear to the said William Buckner, for levies due in the said parish in the year one thousand seven hundred and seventy six, shall and may discharge the same in tobacco, or money in lieu thereof, at their option, at the rate of ten shillings per hundred; and on failure to make such payment on demand, it shall and may be lawful for the said William Buckner to make distress for the same, in like manner as is directed by law in the case of county levies.*

Wm. Buckner, collector of levies, in parish of St. Thomas, in county of Orange, authorised to discharge a judgment for the same, in tobacco, or money in lieu thereof, at 10s. per hundred.

Persons in arrears for levies, may discharge them at the same rate.

[Chap. XCII in
original.]

CHAP. LII.

An act to discharge the people of this commonwealth from the payment of one half of the revenue tax for the year one thousand seven hundred and eighty five.

Preamble. I. WHEREAS so much of the act, intituled "An act to amend and reduce the several acts of assembly for ascertaining certain taxes and duties, and for establishing a permanent revenue, into one act," as authorizes the sheriffs or collectors of taxes to make distress for the payment thereof, on the first day of June annually, and directs that such sheriffs and collectors shall pay into the treasury of this commonwealth, the full amount of all money by them collected, or with which they are chargeable under the said act, on or before the fifteenth of September annually, and in default of such payment, shall be liable to judgment, on motion of the solicitor or other person appointed for that purpose, at the October general court after such default, hath been found inconvenient;

Taxes distrainable for on the first of August, and payable into the treasury on the first of November annually. II. *Be it therefore enacted,* That the sheriff or collector of taxes arising under the said act, shall have power and authority to distrain for the payment thereof in manner directed by the said recited act, on the first day of August annually, and not before, and shall make payment thereof on or before the first day of November thereafter; and in case any sheriff or collector shall fail to pay into the treasury of this commonwealth, all the money arising from the taxes by the said act imposed, with which he is chargeable, on or before the said first day of November, every such delinquent sheriff or collector shall be liable to a judgment against him, on motion to be made by the solicitor or other person appointed for that purpose, at the additional session of the general court in December, or at any session subsequent to such delinquency. And whereas it appears to this assembly that the full payment of the taxes arising under the said act which would become due and distrainable for on the first day of June, one thousand seven hun-

dred and eighty-five, and payable into the public treasury on or before the fifteenth day of September following, cannot be carried into effect without great distress of the citizens of this commonwealth:

III. *Be it therefore enacted*, That all persons chargeable with the payment of taxes under the said recited act, which by law are distrainable for by the several sheriffs or collectors of taxes within this commonwealth on the first day of June, one thousand seven hundred and eighty five, shall be discharged from the payment of one half the said taxes; and the several sheriffs or collectors of taxes may, on the first day of September, one thousand seven hundred and eighty five, make distress for the payment of the other half thereof in manner directed by the said act; and the several sheriffs or collectors of the said half of the revenue of one thousand seven hundred and eighty five, shall make payment thereof on or before the first day of November, one thousand seven hundred and eighty five, and in default of such payment, shall be liable to judgment, on motion to be made by the solicitor or other person appointed for that purpose, at the additional session of the general court in the month of December, one thousand seven hundred and eighty five, or at any session subsequent to such delinquency.

Collection of taxes now due, suspended.

IV. *And be it further enacted*. That it shall and may be lawful for the governor, with advice of council, to direct the solicitor general to suspend execution upon any such judgment, for any time that may to him, with advice aforesaid, seem reasonable, not exceeding three months after such judgment is obtained; and it shall also be lawful for the governor, with advice aforesaid, to remit the interest and damages on any such judgment, or so much thereof as may to him seem reasonable, on good cause shewn, on all sums paid by such sheriff or collector towards the discharge of such judgment or execution thereupon, as the case may be, provided such payment be made on or before the first day of May, one thousand seven hundred and eighty six.

Executive may direct suspension of executions against sheriffs

V. *Provided always, and be it further enacted*, That nothing herein contained shall be construed in any manner to affect the collection of the revenue for the year one thousand seven hundred and eighty-four, part of which is now distrainable for, and the remainder thereof distrainable on the last day of January, one thousand

Not to affect certain taxes.

LAWS OF VIRGINIA,

seven hundred and eighty five, but the same shall be collected and paid into the public treasury, and judgments entered against persons failing therein in like manner as if this act had never been made. And whereas by the removal of persons out of the counties where they shall be charged with taxes before the same shall become due and distrainable, much loss may be sustained: For preventing thereof,

Taxes due from persons about to remove out of the county may be recovered by attachment.

VI. *Be it enacted*, That when any sheriff or collector shall have cause to believe that any person charged with taxes, is about to remove his effects out of the county, such sheriff shall, and he is hereby required, to go before some justice of the peace for the said county, and after giving to the said justice information thereof upon oath, procure a warrant (which the justice is hereby required to grant) empowering him to attach so much of the effects of the person so about to remove, as will be sufficient to discharge the amount of his or her taxes and the costs; which warrant when the same is executed, shall be returnable, and the effects so attached shall be liable to such proceedings as are directed in cases of attachments for rent, and if unreasonable attachment shall be made, the party shall have like remedy as in cases of unreasonable distress; and if such person so charged with taxes shall have removed his effects out of the county, it shall be lawful for any justice of the peace within the commonwealth, upon the like oath and application, to issue his warrant of attachment returnable in the county where the effects of the person so charged shall be found. And whereas, by postponing the taxes, the term for which many of the sheriffs who gave bonds for the collection of them has expired, and their power to complete the same is thereby rendered doubtful;

Sheriff having given bond, may collect taxes though his time expired.

VII. *Be it therefore further enacted*, That where any sheriff has given bond as is by law directed, or shall hereafter give such bond, he shall continue to collect the public taxes for which he is accountable, in the same manner and under the same regulations as if his time had not expired, and in case of failure or neglect, shall incur the same penalties and forfeitures. And whereas it is represented to this assembly, that the commissioners of the land tax in some of the counties in the Northern Neck have, through misconstruction of the act of assembly passed in the October session, one

thousand seven hundred and eighty-two, assessed on the landholders in the said counties, a quitrent of two shillings and sixpence for every hundred acres of land over and above the taxes imposed upon the same, and the quitrent aforesaid has in one or more instances been paid into the public treasury: For prevention of the like in future, and for remedy in case of such payments.

Where quitrents have been assessed in the Northern Neck, over and above the land tax, the amount to be refunded.

VIII. *Be it enacted*, That no such commissioners shall in future assess upon the lands in any county in the said Northern Neck, more than the tax imposed by law; as the same has also by law been equalized. And in cases where payments have been made to the sheriff, the same shall be by him deducted out of the sum payable for taxes in the present year, and all such discounts shall be allowed by the auditors to the sheriff in his settlement with them. And whereas, from the scarcity of specie in the frontier parts of this commonwealth, the inhabitants thereof have been unable to discharge the whole of the taxes due from them;

No taxes to be assessed in the Northern Neck, more than that imposed by the equalizing law.

IX. *Be it further enacted*, That it shall and may be lawful for the inhabitants of the counties westward of the Blue Ridge, except the counties of Frederick and Berkeley, to discharge all the arrearages of taxes for the years one thousand seven hundred and eighty two and one thousand seven hundred and eighty three, now due, in hemp at the rate of thirty shillings per hundred and twelve pounds, provided such hemp be delivered at the public warehouses in Richmond, Fredericksburg, or Alexandria, on or before the twentieth day of December, in the year one thousand seven hundred and eighty-five, and shall be clean, sound, and merchantable.

Counties, westward of the Blue Ridge, except Frederickburg & Berkeley, may discharge certain taxes in hemp.

RESOLUTIONS

AND

STATE PAPERS

FROM 1782 TO 1784.

Resolution of Virginia declaring any proposition, from the enemy, for a separate peace, insidious and inadmissible.

Proposition from the enemy for a separate peace, declared insidious and inadmissible.

IN THE HOUSE OF DELEGATES,

Friday the 24th of May, 1782.

Resolved unanimously, that a proposition from the enemy to all or any of these United States for peace or truce, separate from their allies, is insidious and inadmissible.

Resolved unanimously, that a proposition from the enemy for treating with any assembly or body of men in America, other than the congress of these United States, is insidious and inadmissible.

Resolved unanimously, that this assembly will not listen to any proposition, nor suffer any negotiation, inconsistent with their national faith and federal union.

Resolved unanimously, that this assembly will exert the utmost power of the state to carry on the war with vigour and effect, until peace shall be obtained in a manner consistent with our national faith and federal union.

Resolved, that the above resolutions be transmitted to the delegates of this state at congress, as an instruction to the said delegates.

Teste,

JOHN BECKLEY, C. H. D.

1782, *May the 25th.*

Agreed to by the Senate unanimously.

WILL. DREW, C. S.

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No prop. for
a sep. peace.

Resolution of Congress, on the subject of a separate peace.

Resolution of
congress on
the subject
of a separate
peace.

By THE UNITED STATES IN CONGRESS ASSEMBLED,

October 4th 1782.

Whereas by the articles of confederation and perpetual union the sole and exclusive right of making peace is vested in the United States in congress assembled; and by the treaty of alliance between his Most Christian Majesty and these United States it is declared that neither of the contracting parties shall conclude peace or truce with Great Britain without the consent of the other; and the Ministers Plenipotentiary of these United States in Europe are vested with full power and authority in their behalf and in concert with their allies to negotiate and conclude a general peace: Nevertheless it appears that the British Court still flatters itself with the vain hope of prevailing on the United States to agree to some terms of dependence upon Great Britain or at least to a separate peace; and there is reason to believe that commissioners may be sent to America to offer propositions of that nature to the United States, or that secret emissaries may be employed to delude and deceive: In order to extinguish ill founded hopes, to frustrate insidious attempts and to manifest to the whole world the purity of the intentions and the fixed and unalterable determination of the United States,

Resolved unananimously, That congress are sincerely desirous of an honorable and permanent peace: That as the only means of obtaining it they will inviolably adhere to the treaty of alliance with his Most Christian Majesty and conclude neither a separate peace or truce with Great Britain: that they will prosecute the war with vigor until by the blessing of God on the United arms a peace shall be happily accomplished, by which the free and absolute sovereignty and independence of these United States having been duly assured, their rights and interests as well as those of their allies shall be effectually provided for and secured.

That congress will not enter into the discussion of any overtures for pacification, but in confidence and in concert with his Most Christian Majesty.

That to guard against the secret artifices and machinations of the enemy, it be and hereby is recommended to the respective states to be vigilant and active in detecting and seizing all British emissaries and spies, that they may be brought to condign punishment: That it be enjoined on all officers of departments charged with persons coming from the enemy under the protection of flags of truce to take special care that such persons do not abuse their privileges but be restrained from all intercourse with the country and inhabitants which is not necessary for transacting the public business on which they may be sent; and lastly it is recommended to the several states that no subjects of his Britannic majesty coming directly or indirectly from any part of the British dominions, be admitted into any of the United States during the war;

No prop. for
a sep. peace.

Ordered, that the honorable, the minister plenipotentiary of France, be furnished with a copy of the above act, and that copies be transmitted to the ministers of these states at foreign courts and that in the mean time it be published.

CHA. THOMSON, Sec'y.

Letter from the Chancellors on the revision of the laws.

Letter from
the Chancel-
lors on the re-
vision of the
laws.

Richmond, November 24th, 1783.

SIR,

After having approved the mode adopted by the executive for carrying into execution the resolution of the assembly in their last session* for a revision and collection of the laws and ordinances since the code in 1769, in order to a new impression thereof, we feel extreme concern when we inform your excellency that we have not been able to complete that work according to the wishes of the legislature and executive. A mistake occasioned by the miscarriage of letters, had retarded the progress of the business in vacation, and tho'

* For the resolution, see Vol. 9, page 176, note.

Chancellors we have devoted to it, each leisure moment since our
 Letter. meeting, a necessary attention to official duty, hath
 permitted us only to examine some of the laws and
 form a general system, which will enable us soon to
 compleat the work in our retirement. This you will
 be pleased to mention to the legislature and executive,
 and present us in terms of perfect respect for both.

We have the honour to be,
 Your excellency's most obedient servants.

EDMD. PENDLETON,
 G. WYTHE,
 JOHN BLAIR.

His excellency, Benja- }
 . min Harrison, esq. }
 governor of Virginia }

Letter from
 the secretary
 of foreign af-
 fairs, announ-
 cing the ces-
 sation of hos-
 tilities.

*Letter from the Secretary of Foreign
 Affairs, announcing the cessation
 of hostilities.*

Philadelphia, 12th April, 1783.

SIR,

Permit me to offer you my congratulations on the
 important event announced by the United States in
 congress in the enclosed proclamation for the cessation
 of hostilities—an event which is not only pleasing as it
 relieves us from the accumulated distresses of war in
 the bowels of our country, but as it affords the fairest
 and most flattering prospects of its future greatness and
 prosperity;

I need not, I am persuaded, sir, use any arguments
 to urge your excellency and the state in which you pre-
 side to the most scrupulous attention to the execution
 of every stipulation in our treaty, which may depend
 upon you or them.

A national character is now to be acquired. I ven-

ture to hope that it will be worthy of the struggles by which we became a nation.

I have the honor to be,

With great respect and esteem,

Your excellency's most obedient, humble servant.

ROB. R. LIVINGSTON.

His excellency the gov- }
ernor of Virginia. }

Letter from
Secretary of
foreign affairs

By the United States of America in congress assembled. A proclamation declaring the cessation of arms, as well by sea as by land, agreed upon between the United States of America and his Britannic majesty; and enjoining the observance thereof.

Proclamation
of congress,
declaring ces-
sation of arms

WHEREAS provisional articles were signed at Paris on the thirtieth day of November last, between the ministers plenipotentiary of the United States of America for treating of peace, and the minister plenipotentiary of his Britannic majesty, to be inserted in, and to constitute the treaty of peace proposed to be concluded between the United States of America and his Britannic majesty, when terms of peace should be agreed upon between their most Christian and Britannic majesties: And whereas preliminaries for restoring peace between their most Christian and Britannic majesties were signed at Versailles on the twentieth day of January last, by the ministers of their most Christian and Britannic majesties: And whereas preliminaries for restoring peace between the said king of Great-Britain and the king of Spain were also signed at Versailles on the same twentieth day of January last:

By which said preliminary articles it hath been agreed, that as soon as the same were ratified, hostilities between the said kings, their kingdoms, states and subjects, should cease in all parts of the world; and it was

Proclamation
of congress.

farther agreed, that all vessels and effects that might be taken in the channel and in the North seas, after the space of twelve days, from the ratification of the said preliminary articles, should be restored; that the term should be one month from the channel and North seas as far as the Canary islands, inclusively, whether in the ocean or the Mediterranean; two months from the said Canary islands as far as the equinoctial line or equator; and lastly, five months in all other parts of the world, without any exception, or more particular description of time or place: And whereas it was declared by the minister plenipotentiary of the king of Great-Britain, in the name and by the express order of the king his master, on the said twentieth day of January last, that the said United States of America, their subjects, and their possessions shall be comprised in the above mentioned suspension of arms, at the same epochs, and in the same manner, as the three crowns above mentioned, their subjects and possessions respectively; upon condition that on the part and in the name of the United States of America, a similar declaration shall be delivered, expressly declaring their assent to the said suspension of arms, and containing an assurance of the most perfect reciprocity on their part: And whereas the ministers plenipotentiary of these United States, did, on the same twentieth day of January, in the name and by the authority of the said United States, accept the said declaration, and declare, that the said states, should cause all hostilities to cease against his Britannic majesty, his subjects and his possessions, at the terms and epochs agreed upon between his said majesty the king of Great Britain, his majesty the king of France, and his majesty the king of Spain, so, and in the same manner, as had been agreed upon between those three crowns, and to produce the same effects: And whereas the ratifications of the said preliminary articles between their most Christian and Britannic majesties were exchanged by their ministers on the third day of February last, and between his Britannic majesty and the king of Spain on the ninth day of February last: And whereas it is our will and pleasure that the cessation of hostilities between the United States of America and his Britannic majesty, should be conformable to the epochs fixed between their most Christian and Britannic majesties.

We have thought fit to make known the same to the citizens of these states, and we hereby strictly charge and command all our officers, both by sea and land, and others, subjects of these United States, to forbear all acts of hostility, either by sea or by land, against his Britannic majesty or his subjects, from and after the respective times agreed upon between their most Christian and Britannic majesties as aforesaid.

Proclamation
of congress.

And we do further require all governors and others, the executive powers of these United States respectively, to cause this our proclamation to be made public, to the end that the same be duly observed within their several jurisdictions.

Done in congress, at Philadelphia, this eleventh day of April in the year of our Lord one thousand seven hundred and eighty-three, and of our sovereignty and independence the seventh.

ELIAS BOUDINOT, President.

(Attest.)

CHARLES THOMSON, Sec'y.

By his excellency Benjamin Harrison, esquire, governor of the commonwealth of Virginia. A proclamation.

Proclamation
of governor
of Virginia
declaring ces-
sation of arms

WHEREAS the honorable the continental congress have published their proclamation, announcing the signature and ratification of the preliminary articles of peace between the several powers at war; and commanding the citizens of these United States to cease from any farther hostilities against his Britannic majesty and his subjects, both by sea and land:

I have therefore thought fit, by and with the advice of the council of state, to issue this my proclamation, hereby enjoining all officers, both civil and military, together with all and every other person, of every rank and denomination, within this commonwealth, to pay due obedience to the said proclamation of congress.

RESOLUTIONS AND STATE PAPERS

Proclamation
of governor
of Virginia.

Given under my hand, and the seal of the common-wealth, at Richmond, in the council chamber, this twenty first day of April, in the year of our Lord one thousand seven hundred and eighty-three, and seventh of the commonwealth.

BENJAMIN HARRISON.

(Attest.)

ARCH. BLAIR, Ck. of the Council.

Resolution
for procuring
a statue of
Gen. Wash-
ington.

*Resolution for procuring a Statue of
General Washington.*

IN THE HOUSE OF DELEGATES,
Tuesday, the 22d of June, 1784.

Resolved that the executive be requested to take measures for procuring a statue of General Washington, to be of the finest marble and best workmanship, with the following inscription on its pedestal, viz:

Inscription.

"The general assembly of the commonwealth of Virginia have caused this statue to be erected as a monument of affection and gratitude to George Washington, who uniting to the endowments of the Hero the virtues of the Patriot, and exerting both in establishing the liberties of his country, has rendered his name dear to his fellow citizens and given the world an immortal example of true glory. Done in the year of Christ, and in the year of the commonwealth."

Teste,

JOHN BECKLEY, C. H. D.

1784, June 24th.

Agreed to by the senate unanimously.

WILL. DREW, C. S.

*Resolution requesting the executive to
have two busts of the marquis De
La Fayette made in Paris.*

Resolution
for procuring
two busts of
the marquis
De la Fayette



IN THE HOUSE OF DELEGATES,
the 1st of December, 1784.

Whereas, it was unanimously resolved, on the 17th day of December, 1781, that a bust of the marquis De La Fayette be directed to be made in Paris of the best marble employed for such purposes, with the following inscription:

"This bust was voted on the 17th day of December, 1781, by the general assembly of the state of Virginia, to the honorable the marquis De La Fayette (major general in the service of the United States of America, and late commander in chief of the army of the United States in Virginia) as a lasting monument of his merit and their gratitude."

Inscription.

Resolved, unanimously, that the governor with the advice of the council, be authorized and desired to defray the expence of carrying the said vote into execution out of the fund allotted for the contingencies of government; that he cause the said bust to be presented in the name of this commonwealth, to the city of Paris, with a request that the same may be accepted and preserved in some public place of the said city.

Resolved, unanimously, that as a further mark of the lasting esteem of this commonwealth for the illustrious qualities and services of the marquis De La Fayette, the governor, with the advice of the council, be authorized and desired to cause another bust of him with a similar inscription, to be procured by draught on the said fund, and that the same, when procured, be fixed in such public place at the seat of government as may hereafter be appointed for the erection of the statue voted by the general assembly to general Washington.

Teste,


JOHN BECKLEY, C. H. D.

1784, Dec. 13th.

Agreed to by the Senate.

WILL. DREW, C. S.

Report of
commission-
ers extend-
ing Mason's
and Dixon's
line, and fix-
ing the south
west corner
of Pennsyl-
vania.



*Report of commissioners, extending
Mason's and Dixon's line, and fix-
ing the south-west corner of Penn-
sylvania.*

[~~17~~ This is an important paper, as it is the only one which ascertains the southern boundary of Pennsylvania, and fixes the south-west corner, in conformity with the agreement of the commissioners of the states of Pennsylvania and Virginia, of the 31st of August, 1779. (See vol. 10, pa. 533.) The report of the commissioners, of the 23d August, 1785, published in the Revised Code of 1819, vol. 1, pa. 52, merely relates to the running of a line "from the south-west corner of Pennsylvania," northward to the Ohio, for the western boundary; but how the commissioners got to the south-west corner, no where appears, without reference to this document. For a connected series of the most important papers on this subject, see 1 Rev. Code of 1819, ch. 16, pa. 51—Hening's Stat. at Large, vol. 10, pa. 520 to 533, this paper, and 1 vol. Rev. Code of 1819, ch. 17, pa. 52.]

Letter from James Madison and Robert Andrews, accompanying their Report respecting the boundary line of Pennsylvania, addressed to the governor of Virginia.

SIR—In consequence of the commission received from the hon. the executive for the purpose of establishing the boundary in dispute between Virginia and Pennsylvania, we have the honour to report, that the five degrees of longitude claimed by the state of Pennsylvania, have been determined with great astronomical precision; that Mason's and Dixon's line has been continued to the limit of those five degrees, and consequently, that the south west corner of Pennsylvania is finally settled; but, that the running of the meridian line, on account of the severity of the season, was postponed until a more convenient opportunity.

We are, sir, your most ob't serv'ts,

J. MADISON.

ROBERT ANDREWS.

December 16th, 1784.

His excellency the Governour.

Report of Commissioners appointed to run the southern boundary of Pennsylvania between the said State and Virginia. Pennsylvania boundary.

Agreeably to the commission given by the state of Pennsylvania to John Ewing, David Rittenhouse, John Lukens, and Thomas Hutchins, and by the state of Virginia to James Madison, Robert Andrews, John Page, and Andrew Ellicott, to determine by astronomical observations the extent of five degrees of longitude west from the river Delaware in the latitude of Mason's and Dixon's line, and to run and mark the boundaries which are common to both states, according to an agreement entered into by commissioners from the said two states at Baltimore in 1779, and afterwards ratified by their respective assemblies; we, the underwritten commissioners, together with the gentlemen with whom we are joined in commission, have by corresponding astronomical observations, made near the Delaware and in the western country, ascertained the extent of the said five degrees of longitude: And the underwritten commissioners have continued Mason's and Dixon's line to the termination of the said five degrees of longitude, by which work the southern boundary of Pennsylvania is completed. The continuation we have marked by opening vistas over the most remarkable heights which lie in its course, and by planting on many of these heights in the parallel of latitude, the true boundary, posts marked with the letters P & V, each letter facing the state of which it is the initial. At the extremity of this line, which is the south west corner of the state of Pennsylvania, we have planted a squared unlettered white oak post, around whose base we raised a pile of stones. The corner is in the last vista we cut, on the east side of an hill, one hundred and thirty four chains and nine links east of the meridian of the western observatory, and two chains and fifty four links west of a deep narrow valley thro' which the said last vista is cut. At the distance of fifty one links and bearing from it north twenty three degrees east stands a white oak marked on the south side with three notches, and bearing south twelve degrees west, and at the distance of twenty nine links stands a black oak marked on the north side with four notches.

The advanced season of the year and the inclemency of the weather have obliged us to suspend our ope-

Half pay.



rationa: but we have agreed to meet again at the south west corner of Pennsylvania on the sixteenth day of next May, to complete the object of our commission. Given under our hands and seals, in the county of Washington in Pennsylvania, this 18th day of November, 1784.

| | |
|--------------------|---------|
| JOHN EWING, | (L. S.) |
| DAVID RITTENHOUSE, | (L. S.) |
| THOMAS HUTCHINS, | (L. S.) |
| ROBERT ANDREWS, | (L. S.) |
| ANDREW ELLICOTT. | (L. S.) |

Half Pay and Commutation.

Half pay promised by Virginia. May 1779, &c.

Half-pay for life, was promised by the laws of Virginia, to the generals, field officers, captains, subalterns, chaplains, physicians, surgeons, and surgeon's mates, on *continental establishment*, or serving in the battallions for the immediate defence of this state, who should continue to serve to the end of the war, or become *super-numary* on the reduction of any of the battallions, and should again enter into the service, if required so to do, in the same or any higher rank, and continue therein until the end of the war, to commence from the determination of their *command or service*. (See act of May, 1779, ch. 6, vol. 10, pa: 25; October, 1780, ch. 27, vol. 10, pa. 374.) For the laws respecting half pay to officers in the *state line*, and *navy*, see November, 1781, ch. 19, vol. 10, pa. 467. May 1782, ch. 47, sec. 13, ante pa. 85. May 1782, ch. 41, ante pa. 170. May, 1783, ch. 22, ante pa. 265. October 1790, ch. 21.

State line and navy.

The resolutions of congress, on the subject of half-pay, are the following.

Half pay promised by congress, Oct. 21 1780.

October 21st, 1780. "Resolved, that the officers who shall continue in the service to the end of the war, shall be entitled to half pay during life, to commence from the time of their reduction."

January, 27th, 1781. "Resolved that all officers in the hospital department and medical staff, hereinafter mentioned, who shall continue in service to the end of

the war, or be reduced before that time, as supernumeraries, shall be entitled to, and receive, during life, in lieu of half-pay, the following allowances, viz. Commutation

The director of the hospital equal to the half-pay of a lieutenant colonel.

Chief physicians and surgeons of the army and hospitals, and hospital physicians and surgeons, purveyor, apothecary, and regimental surgeons; each equal to the half pay of a captain.

COMMUTATION.

The *commutation* of five years full pay, for the *half pay* for life, which had been promised by congress, arose from a memorial presented by the officers, on the continental establishment, under the immediate command of general Washington. Officers in other departments of the army were allowed to make their election, within certain specified periods, to be signified to congress through their commander in chief. As the engagements of congress applied to the *continental establishment* only, it follows that, the *state troops* were not included in the above modification of the contract; but they were left to the provisions of *half-pay*, promised by the laws of the state.

IN CONGRESS, MARCH 22, 1783.

In congress,
March 22,
1783.

On the report of a committee, consisting of Mr. Hamilton, Mr Dyer, and Mr. Bedford, to whom was referred a motion of Mr. Dyer, together with the memorial of the officers of the army, and the report of the committee thereon; congress came to the following resolutions;

Whereas the officers of the several lines under the immediate command of his excellency general Washington, did, by their late memorial, transmitted by their committee, represent to congress, that the half pay granted by sundry resolutions, was regarded in an unfavorable light by the citizens of some of these states, who would prefer a compensation for a limited term of years, or by a sum in gross, to an establishment for life, and did, on that account, solicit a commutation of their half pay for an equivalent in one of the two modes above mentioned, in order to remove all subject of dissatisfaction from

Half pay
viewed in an
unfavourable
light, &c.

Commutation
solicited.

Commutation the minds of their fellow citizens: And whereas congress are desirous, as well of gratifying the reasonable expectations of the officers of the army, as of removing all objections which may exist, in any part of the United States, to the principle of the half pay establishment, for which the faith of the United States hath been pledged; persuaded that those objections can only arise from the nature of the compensation, not from any indisposition to compensate those, whose services, sacrifices, and sufferings, have so just a title to the approbation and rewards of their country:

Half pay, pensions, &c.

Five years full pay, in lieu of half pay for life.

Therefore, resolved, That such officers as are now in service, and shall continue therein to the end of the war, shall be entitled to receive the amount of five years full pay in money, or securities on interest at six per cent. per annum, as congress shall find most convenient, instead of the half pay promised for life by the resolution of the twenty-first day of October, one thousand seven hundred and eighty, the said securities to be such as shall be given to other creditors of the United States: provided, it be at the option of the lines of the respective states, and not of officers, individually, in those lines, to accept or refuse the same; and provided also, that their election shall be signified to congress through the commander in chief, from the lines under his immediate command, within two months, and through the commanding officer of the southern army, from those under his command, within six months, from the date of this resolution:

The same commutation to corps not belonging to lines of particular states, &c.

That the same commutation shall extend to the corps not belonging to the lines of particular states, and who are entitled to half pay for life, as aforesaid; the acceptance or refusal to be determined by corps, and to be signified in the same manner, and within the same time, as above mentioned:

Officers belonging to the hospital department, and such as have retired, &c. may accept or refuse.

That all officers belonging to the hospital department, who are entitled to half pay, by the resolution of the seventeenth day of January, one thousand seven hundred and eighty one, may, collectively, agree to accept or refuse the aforesaid commutation, signifying the same through the commander in chief, within six months from this time: that such officers as have retired at different periods, entitled to half pay for life, may, collectively, in each state of which they are inhabitants, accept or refuse the same; their acceptance or refusal

to be signified by agents authorized for that purpose, ^{Commutation} within six months from this period: that with respect to such retiring officers, the commutation, if accepted by them, shall be in lieu of whatever may now be due to them since the time of their retiring from service, as well as of what might hereafter become due; and that so soon as their acceptance shall be signified, the superintendant of finance be, and he is hereby directed to take measures for the settlement of their accounts accordingly, and to issue to them certificates, bearing interest at six per cent. That all officers entitled to half pay for life, not included in the preceding resolution, may also, collectively, agree to accept or refuse the aforesaid commutation, signifying the same within six months from this time.

Digest of Laws, on the subject of Land Bounties.

[¶ The resolutions of congress, under the confederation, and the laws of Virginia, on the subject of ^{Land boun-} land-bounties, being dispersed through a number of volumes, some of which are of difficult access, it has been deemed important to bring into one view all the resolutions and laws which bear upon the subject.

Congress, by their resolutions of the 16th and 18th of September, 1776, and the 12th of August and 22d of September, 1780, stipulated grants of land to the officers and soldiers of the continental army, and to certain officers in the hospital department. At that period, congress had no land at their disposal; and would have been compelled to purchase lands to make good their contracts, had it not been for the liberality of the states: For, the same resolution which promises the bounty, expressly declares, that *such lands are to be provided by the United States, and whatever expense shall be necessary to procure such lands, shall be paid and borne by the states in the same proportion as the other expenses of the war.*

U. States'
land bounty.

UNITED STATES LAND-BOUNTY.

The resolutions of congress of the 16th of September, 1776, above referred to, provide for the raising of eighty-eight battalions, to serve for the war.— In addition to a money bounty of twenty dollars to each noncommissioned officer and private soldier, it was resolved, "that congress make provision for granting lands, in the following proportions, to the officers and soldiers who shall engage in the service, and continue therein to the close of the war, or until discharged by congress, and to the representatives of such officers and soldiers, as shall be slain by the enemy.

1776, Sep. 16 "Such lands to be provided by the United States, and whatever expense shall be necessary to procure such land, the said expense shall be paid and borne by the states, in the same proportion as the other expenses of the war, viz.

| | |
|--------------------------|------------|
| To a colonel, | 500 acres. |
| To a lieutenant colonel, | 450 |
| To a major, | 400 |
| To a captain, | 300 |
| To a lieutenant, | 200 |
| To an ensign, | 150 |

Each non-commissioned officer and soldier 100."

1776, Sep. 18 On the 18th of September, 1776, the following resolutions were adopted:

"That the bounty and grants of land offered by congress, by a resolution of the 16th instant, as an encouragement to the officers and soldiers to engage to serve in the army of the United States during the war, shall extend to all who are, or shall be, enlisted for that term; the bounty of ten dollars, which any of the soldiers have received from the continent, on account of a former enlistment, to be reckoned in part payment of the twenty dollars offered by the said resolution.

"That no officer in the continental army be allowed to hold more than one commission, or to receive pay but in one capacity, at the same time."

1780, Aug. 12 The resolution of the 12th of August, 1780, referred to, is in the words following:

"That the provision for granting lands, by the resolution of September 16th, 1776, be and is hereby extended to the general officers, in the following proportion:

To a major general, one thousand one hundred acres, ^{Land-Boun-}
a brigadier general, eight hundred and fifty do. ^{ties}

With respect to the resolution of the 22d of September, 1780, the following appears on the journals of congress: ^{1780, Aug. 22}

"Congress resumed the consideration of the report of the committee on the medical department; and, on the consideration of the following paragraph, viz:

"That the several officers, whose pay is established as above, except the clerks and stewards, shall, at the end of the war, be entitled to a certain provision of land, in the proportion following, to wit:

"The director to have the same quantity as a brigadier general; chief physicians and purveyor, the same as a colonel; physicians and surgeons, and apothecary, the same as a lieutenant colonel; regimental surgeons and assistants to the purveyor and apothecary, the same as a major; hospital and regimental surgeons' mates, the same as a captain."

STATE LAND-BOUNTY.

Virginia, holding immense tracts of unappropriated ^{State land-} land, very soon adopted the idea suggested by congress, of granting land-bounties to her officers and soldiers, both on the *state* and *continental* establishments. And having it more in her power, she was more liberal than congress, in those grants.

In the preamble to an act of October, 1776, for raising six additional regiments (then called battalions) on the continental establishment, the resolutions of congress, offering a land-bounty, are recited. (See vol. 9, pa. 179.) By an act of October, 1778, for speedily recruiting the Virginia regiments on continental establishment, besides other inducements to enlist for three years, or during the war, the *continental bounty of lands* is expressly stipulated. (See vol. 9, pa. 588, 589.) ^{Oct. 1776, ch. 11. Oct. 1778, ch. 45}

By act of May, 1779, chap. vi, "concerning officers, soldiers, sailors, and marines," a bounty of 100 ^{May 1779, ch. 6} acres is promised to each private at the end of the war, and to the officers the like quantity as is allowed to officers of the same rank, in the Virginia regiments on continental establishment. (See vol. 10, pa. 24.) By the same law 200 acres are given to each volunteer soldier who served under Col. George Rogers Clarke, until the reduction of the posts in the Illinois country, (*Ibid*, pa. 26,) and to each soldier who should re-enlist

Land-Bounties.

for the protection of the Illinois country, 100 acres, (*Ibid.* pa. 27,) and the like quantity to each trooper of cavalry, who should enlist for the war, for the defence of the eastern frontier. (See vol. 10, pa. 27.) A quantity of land, not exceeding 150,000 acres, was reserved to satisfy the officers and soldiers, under Col. George Rogers Clarke, in our cession of the North Western Territory. (See vol. 10, pa. 565.) *Note.*—The above act of May, 1779, chap. vi, was taken from the Revised Bills, presented to the Legislature, at that session, by Thomas Jefferson, esq. then governor, who was one of the revisors. In its passage through the parliamentary forms, it doubtless received some additions, particularly in relation to Col. George Rogers Clarke, his officers, and men. When the collection of Revised Bills reported in 1779, was printed in 1784, the title of this only, "A bill for the enlistment of soldiers, sailors and marines," was printed, with the following note: "This was a bill designed to answer a temporary and occasional purpose, during the war, and was incorporated into a law in the May session, 1779, entitled 'An act concerning officers, soldiers, sailors, and mariners.' It is now expired, and was deemed unnecessary to be here inserted." (See Revised Bills of 1779, chap. xv, pa. 12.) In the Chancellors' Revisal, printed in 1785, this act is omitted, the title only being published, with a note in the margin "Executed." (See Chan. Rev. pa. 89.)

May 1779, ch. 13, sec. 2. The act of May 1779, ch. 13, sec. 2, prescribes the evidence on which warrants for land bounties shall issue. (See vol. 10, pa. 51.) By act of May, 1782, ch. 47, sec. 8, it was declared that those warrants should be granted, upon producing to the register, a certificate from the *Commissioner of War*, and not otherwise. (See ante pa. 83, 84.) But by act of October, 1782, ch. 14, the office of *Commissioner of War*, was abolished, and the duties transferred to the *Executive*. (See ante pa. 133.) Ever since that period, certificates for land-bounties have issued by orders of the *Executive*.—By act of 1815, ch. 12, the executive are authorised to allow claims for land bounty, where *satisfactory evidence* is adduced that the party is entitled; which, indeed, had been the *practice* long before, from the impossibility of complying with the requisitions of the former law.

On what evidence, and by whom certificates and warrants for land bounties shall be issued.

By the act of May, 1779, ch. 13, sec. 3, referring to a resolution of the General Assembly of the 19th of December, 1778, a tract of country, bounded by the Green river, the Cumberland mountains, the Carolina line, the Tennessee river and the Ohio river, was reserved for the officers and soldiers. (See vol. 10, p. 55, 56.) A considerable part of this territory having fallen into North Carolina, by the extension of the boundary line between that state and Virginia, a further tract of land, included within the rivers Mississippi, Ohio and Tennessee, and the Carolina boundary line, was substituted, by the act of November, 1781, ch. 19, sec. 8, in lieu of that so fallen into North Carolina.—By the same act, sec. 9, provision is made for surveying their lands: (further provision by deputation of officers, Oct. 1783, ch. 4, ante pa. 309.)—Sec. 12, declares that the bounties in lands given to the officers in the Virginia line, in continental service, and the regulations for surveying, shall be extended to the state officers—Sec. 13, gives the cavalry the same advantages as the infantry—and sec. 14 entitles the officers and seamen of the navy to the same advantages as those in the land service. (See vol. 10, pa. 465, 466, 467.)—But the act of Oct. 1782, (ante pa. 162) is more explicit, as to the navy, and declares that the “officers, seamen and marines, and their representatives, shall be entitled to the same bounty in lands and other emoluments as the officers and soldiers of the Virginia line on continental establishment.”

The resolution of the 2d of January, 1781, for ceding the North Western Territory to the United States, provides, “That in case the quantity of good lands of the south east side of the Ohio upon the waters of Cumberland river and between the Green river and the Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, and upon their own state establishment, should (from the North Carolina line bearing in further upon the Cumberland lands than was expected) prove insufficient for their legal bounties, the deficiency shall be made up to the said troops in good lands to be laid off between the rivers Scioto and little Miami, on the north west side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia.” (See vol. 10, pa, 565.) In the copy of this resolution made for

May, 1779,
ch 13, sec. 3.
— Nov. 1781,
ch. 19, sec. 8,
9, 12, 13, 14.
Oct. 1782, ch.
34, sec. 3.
Reservation
of lands for
officers and
soldiers.

Rights of
state troops.

Cavalry.

Navy.

Land-Bounties.



Oct. 1779 ch. 9.

Chaplain's, surgeons, and surgeon's mates.

Oct. 1779, ch. 21, sec. 2.

Quantity of land allowed officers and soldiers, in the land service and navy.

the governor, to be sent by him to our delegates in congress, the words *and upon their own state establishment*, is is presumed, were accidentally omitted. (See the note to page 565 of vol. 10, and the note to the deed of cession, in a subsequent part of this volume.)

By the act of October, 1779, chapter 9, the bounty in lands, to chaplains, surgeons, and surgeon's mates, serving three years, or during the war, is declared to be equal to commissioned officers, receiving the same pay and rations. (See vol. 10, pa. 141.)

As to the *quantity* of land, the act of October 1779, ch. 21, sect. 2, seems to have been the first law which fixed, with precision, the proportions of the officers and soldiers; on the *continental* and *state* establishments, and in the *navy*. (See vol. 10, pa. 160.) They are as follow:

FOR THE WAR.

| | |
|---------------------------|--------------|
| To a Colonel, | - 5000 acres |
| Lieutenant colonel, | 4500 |
| Major, | - 4000 |
| Captain, | - 3000 |
| Subaltern, | - 2000 |
| Non-commissioned officer, | 400 |
| Soldier or sailor, | 200 |
| Non-commissioned officer, | - 200 |
| Soldier or sailor, | 100 |
| To a major general, | 15,000 |
| Brigadier general, | 10,000 |

Officers allowed one third, in addition to former bounty, by act of October, 1780, ch. 27, sec. 4. (See vol. 10. pa. 375.)

Soldiers, who serve to the end of the war, allowed 300 acres, in lieu of former bounty, by act of October, 1780, ch. 3. (See vol. 10, pa. 331.)*

For three years.


By act of October, 1780, ch. 27, sec. 4.

Officers and soldiers, allowed one sixth, in addition to former bounties, for every years service over six. May 1782, ch. 47, sec. 9.

* This allowance of 300 acres of land, to soldiers, who should serve to the end of the war, having been overlooked, in practice has given rise to many conjectures. It has been supposed either that the law had been repealed, or that as the provision contained in the same clause, for granting a negro, or sixty pounds at the option of the soldier, had never been demanded, some other law had been passed, which superseded this act. To these objections, it may be answered,

1. That no law repealing that of October 1780, ch. 3, giving the bounty of 300 acres of land, can be found on our statute book. On the contrary, an act of the next session (March, 1781, ch. 2.) expressly recognizes it as being in force, and gives further time for carrying some of its provisions, which were *expiatory*, into effect. Indeed it cannot be conceived how a law vesting such absolute rights, could be repealed. 2. The depreciation of paper money was so great, at this period, that it was no longer an inducement to offer it. The negro, or the sixty pounds was intended to make good the *pay*; the land was a gratuity, a *bounty*. By a subsequent law (November 1781, ch. 12) reciting the depreciation of paper money, and expressing the disposition of the legislature to do justice to the officers and soldiers, their *whole pay* is made good from the 1st of January, 1777, thus superseding the act of October, 1780 as to the *pay*, but not as to the *bounty*.

Cession of
north-west-
ern territory.



Cession of North Western territory.

On this important subject, a number of papers were inserted at the end of the tenth volume. The resolution of Virginia, for ceding the north-western territory to the United States, commences on page 564. This resolution was printed verbatim from the original manuscript, preserved in the clerk's office of the house of delegates. In a note to page 565, the editor has expressed his conviction, that the words "and upon their own state establishment," which are in the original, were accidentally omitted in the copy sent to the governor, or in some subsequent proceedings founded upon it. He is now satisfied that the mistake originated in the first copy of the resolution, made for the governor, in the clerk's office of the house of delegates. In the *original manuscript*, the word "establishment" occurs in the first and last word of the line, as in the following extract, which is printed, word for word, and line for line with the original.

"That in case the quantity of good lands of the south-east side of the Ohio upon the waters of Cumberland river and between the Green river and the Tennessee river which have been reserved by law for the Virginia Troops upon continental establishment and upon their own state establishment should (from the North Carolina line bearing in further upon the Cumberland lands those was excepted) prove insufficient for their legal bounties the deficiency shall be made up to the said troops in good lands to be laid off between the rivers Scioto and little Miamis on the north west side of the river Ohio in such proportions as have been engaged to them by the laws of Virginia."

The eye of the copyist, after writing the word "establishment," where it first occurs, glanced at the original, and seeing the same word again at the end of the line, passed on to the next line; a circumstance which frequently occurs in copying.

The following resolution of congress, of the 13th of September 1783, which professes to recite all the conditions of our resolution for ceding the north western territory, omits the words "and upon their own state establishment," which is conclusive proof that those words were not contained in the copy sent by the gover-

nor, to our delegates in congress; because, all the other conditions being truly recited, *that stipulating the reservation of land for the officers and soldiers, would also have contained the words "and upon their own state establishment" had they been in the copy.*

*Cession of
north-west-
ern territory.*

BY THE UNITED STATES IN CONGRESS ASSEMBLED.

September 13th, 1783.

Congress resumed the consideration of the report of the committee on the Virginia cession and the same being amended, to read as follows:—

"The committee, to whom were referred the act of the legislature of Virginia, of the 2nd of January 1781, and the report thereon, report, that they have considered the several matters referred to them, and observe that the legislature of Virginia by their act of the 2d of January, 1781 resolved that they would yield to the congress of the United States for the benefit of the said states, all right, title and claim which the said commonwealth hath to the lands north-west of the river Ohio, upon the following conditions, viz:—

1st. That the territory so ceded should be laid out and formed into states, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances would admit; and that the states so formed should be distinct republican states, and admitted members of the federal union, having the same rights of sovereignty, freedom, and independence as the other states.

2d. That Virginia should be allowed and fully reimbursed by the United states, her actual expences in reducing the British posts at the Kaskaskies and St. Vincents; the expence of maintaining garrisons and supporting civil government there since the reduction of the said posts, and in general all the charge she has incurred on account of the country on the north-west side of the Ohio river since the commencement of the present war.

3. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents and the neighbouring villages, who have professed themselves citizens of Virginia, should have their possessions and

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north-west-
ern territory.



titles confirmed to them, and should be protected in the enjoyment of their rights and liberties, for which purpose troops should be stationed there at the charge of the United States, to protect them from the encroachments of the British forces at Detroit, or elsewhere, unless the events of the war should render it impracticable.

4th. As colonel George Rogers Clarke planned and executed the secret expedition by which the British posts were reduced, and was promised, if the enterprize succeeded, a liberal gratuity in lands in that country, for the officers and soldiers who first marched thither with him; that a quantity of land not exceeding one hundred and fifty thousand acres, should be allowed and granted to the said officers and soldiers and the other officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth in such place, on the north-west side of the Ohio, as the majority of the officers should choose; and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia.

5th. That in case the quantity of good lands on the south-east side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops upon continental establishment, should from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the rivers Scioto and Little Miamis, on the north-west side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia.

6th. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to any of the before mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, should be considered as a common fund for the use and benefit of such of the United American States as have become or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expediture, and should be faithfully and bona fide disposed

of for that purpose, and for no other use or purpose whatsoever.

Cession of
north-west-
ern territory.

7th. And therefore that all purchases and deeds from any Indian or Indians or from any Indian nation or nations, for any lands within any part of the said territory, which have been or should be made for the use or benefit of any private person or persons whatsoever, and royal grants within the ceded territory, inconsistent with the chartered rights, laws and customs of Virginia, should be deemed and declared absolutely void and of no effect, in the same manner as if the said territory had still remained subject to, and part of the commonwealth of Virginia.

8th. That all the remaining territory of Virginia included between the Atlantic ocean and the south-east side of the river Ohio, and the Maryland, Pennsylvania and North Carolina boundaries should be guaranteed to the commonwealth of Virginia by the said United States.

Whereupon your committee are of opinion, that the first condition is provided for by the act of congress of the 10th of October 1780. That in order to comply with the second condition so far as has been heretofore provided for by the act of the 10th October 1780 it is agreed that one commissioner should be appointed by congress, one by the state of Virginia, and another by those two commissioners, who or a majority of whom, should be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expences incurred by the said state which they may judge to be comprized, within the true intent and meaning of the said recited act.

With respect to the third condition the committee are of opinion, that the settlers therein described, should have their possessions and titles confirmed to them and be protected in the enjoyment of their rights and liberties.

Your committee are further of opinion that the fourth, fifth, and sixth conditions being reasonable, should be agreed to by congress.

With respect to the seventh condition your committee are of opinion, that it would be improper for congress, to declare the purchases and grants therein mentioned, absolutely void and of no effect, and that the

Cession of
north-west-
ern territory.

sixth condition engaging, how the lands beyond the Ohio, shall be disposed of is sufficient on this point.

As to the last condition, your committee are of opinion, that congress cannot agree to guarantee to the commonwealth of Virginia, the land described in the said condition without entering into a discussion of the right of the state of Virginia to the said land; and that by the acts of congress it appears, to have been their intention, which the committee cannot but approve, to avoid all discussion of the territorial rights of individual states, and only to recommend and accept a cession of their claims whatsoever they might be to vacant territory. Your committee conceive this condition of a guarantee, to be either unnecessary or unreasonable; inasmuch as, if the land abovementioned, is really the property of the state of Virginia, it is sufficiently secured by the confederation, and if it is not the property of that state, there is no reason or consideration for such guarantee.

Your committee therefore upon the whole recommend that if the legislature of Virginia make a cession conformable to this report, congress accept such cession."

Resolved, that congress agree to the said report.

Extract from the minutes.

GEO. BOND, Dep'y Sec'y.

Our act of cession of October 1783 (ante pa. 326) omits the same words, "and upon their own state establishment," and so does the deed of cession from our delegates in congress, which literally pursues the act.

The following is the letter from our delegates in congress, inclosing an exemplification of the deed of cession.

Letter from delegates in Congress.

ANNAPOLIS, MARCH 22, 1784.

Sir,

We inclose to your Excellency by the bearer, Mr. McAlister an exemplification of the deed of cession executed according to the directions of the act of assembly transmitted us, and have the honour to be with very high respect,

Your Excellency's

Most obedient and most humble servants.

TH. JEFFERSON,
S. HARDY,
JOHN FR. MERCER,
ARTHUR LEE,
JAMES MONROE.

His excellency governor
Harrison.

Cession of
north-west-
ern territory.

Letter from
delegates in
congress.

Exemplification of the deed of cession.

XXXXXXXXXX

X Seal of the X
X U. S. X

XXXXXXXXXX

To ALL TO WHOM, these presents shall
come;

KNOW YE, that among the archives of the United States in congress assembled, is lodged a deed or instrument in the words following:

To ALL WHO SHALL SEE THESE PRESENTS;
We, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the commonwealth of Virginia, in the congress of the United States of America, send greeting:

WHEREAS, the general assembly of the commonwealth of Virginia, at their sessions begun on the twentieth day of October, one thousand seven hundred and eighty-three, passed an act, entitled "An act to authorize the delegates of this state in congress, to convey to the United States in congress assembled, all the right of this commonwealth to the territory northwestward of the river Ohio," in these words followings to wit:

"WHEREAS the congress of the United States did, by their act of the sixth day of September, in the year one thousand seven hundred and eighty recommend to the several states in the Union, having claims to waste and unappropriated lands in the western country, a

Form of the
deed of ces-
sion.

Act of Virgi-
nia recited.

See vol. 10
page 562.

Deed of cession.



See vol. 10
page 564.

*See ante pa.
667.

Delegates authorized to convey to the United States the territory northwest of the Ohio, &c.

Conditions.

Territory to be laid out into states.

liberal cession to the United States; of a portion of their respective claims, for the common benefit of the union: and whereas this commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty one, yield to the congress of the United States, for the benefit of the said states, all right, title and claim, which the said commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession. AND WHEREAS the United States in congress assembled have, by their act of the thirteenth of September last,* stipulated the terms on which they agree to accept the cession of this state should the legislature approve thereof which terms, although they do not come fully up to the propositions of this commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this state to accept thereof, in full confidence, that congress will, in justice to this state, for the liberal cession she hath made, earnestly press upon the other states claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of the union. *Be it enacted by the General Assembly.* That it shall and may be lawful for the delegates of this state to the congress of the United States, or such of them as shall be assembled in congress, and the said delegates, or such of them, so assembled, are hereby fully authorized and empowered, for and on behalf of this state, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in congress assembled, for the benefit of the said states, all right, title, and claim, as well of soil as jurisdiction, which this commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before recited act of congress of the thirteenth day of September last; that is to say, upon condition that the territory so ceded shall be laid out and formed into states, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the states so formed shall be distinct republican states, and admitted members of the federal union, having the same rights of

sovereignty, freedom, and independence, as the other states. That the necessary and reasonable expenses incurred by this state, in subduing any British posts, or in maintaining forts or garrisons within, and for the defence, or in acquiring any part of, the territory so ceded or relinquished, shall be fully reimbursed by the United States: and that one commissioner shall be appointed by congress; one by this commonwealth, and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by this state, which they shall judge to be comprised within the intent and meaning of the act of congress, of the tenth of October, one thousand seven hundred and eighty, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents, and the neighbouring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity not exceeding one hundred and fifty thousand acres of land, promised by this state, shall be allowed and granted to the then colonel, now general George Rogers Clarke, and to the officers and soldiers of his regiment, who marched with him when the post of Kaskaskies and St. Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place, on the northwest side of the Ohio, as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia. That in case the quantity of good land on the southeast side of the Ohio, upon the waters of Cumberland river, and between the Green river and Tennessee river, which have been reserved by law for the Virginia troops, upon continental establishment, should; from the North Carolina line bearing in farther upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops, in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as have been engaged

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Deed of cession.

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Three delegates to or present.

Delegates convey the territory.

to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for, or appropriated to, any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever. Provided, that the trust hereby reposed in the delegates of this state, shall not be executed unless three of them at least are present in congress.

AND WHEREAS, the said general assembly, by their resolution of June sixth, one thousand seven hundred and eighty-three, had constituted and appointed us, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates to represent the said commonwealth in congress for one year, from the first Monday in November then next following, which resolution remains in full force: NOW, THEREFORE, KNOW YE, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the said general assembly of Virginia, before recited, and in the name, and for and on behalf, of the said commonwealth, do, by these presents, convey, transfer, assign, and make over, unto the United states, in congress assembled, for the benefit of the said states, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and of the independence of the United States the eighth,

TH. JEFFERSON, (L. S.)
 S. HARDY, (L. S.)
 ARTHUR LEE, (L. S.)
 JAMES MONROE, (L. S.)

Deed of ces-
 sion.



Signed, sealed, and delivered in presence of

CHA. THOMPSON,
 HENRY REMSEN, Junr.
 BEN. BANKSON, Junr.

IN TESTIMONY WHEREOF, the United States have
 caused their Great Seal to be affixed to this exemplifi-
 cation. WITNESS, Charles Thomson, esquire, their
 secretary and keeper of their Great Seal.

CHA. THOMPSON.

[From the original, in the clerk's office of the house of
 delegates, among the governor's communication of
 1784.]

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Errata in the Eleventh Volume of Statutes at Large.

- Page 23, line 20 from bottom, after "within" read "the" for "he"
 43, line 18 from top, for "depenencies" read "dependencies."
 48, line 14 from bottom, for "clerk" read "court."
 84, line 18 from top, for "county" read "country."
 115, line 9 from top, for "concealer" read "concealment."
 124, Transpose the 6th and 7th lines, and, in the 6th line, for "other or" read "or other."
 129, line 11 from top, for "offence" read "offences."
 133, line 15 from top, for "this" read "his."
 175, line 18 from top, for "is" read "if."
 182, line 15 from bottom, for "An an" read "An act."
 199, line 12 from top, for "no" read "not."
 206, line 24 from top, for "legally" read "really."
 210, line 15 from bottom, for "land" read "landing."
 211, bottom line, for "hogsheads" read "hogshead."
 216, line 15 from bottom, for "whars" read "wharfs."
 218, line 16 from top, for "countries" read "counties."
 259, top line, omit "to" after "moreover."
 280, line 10 from top, insert "is" between "it" and "hereby."
 284, line 5 from top, insert "such" between "establish" and "by-laws."
 306, line 10 from top, insert "to be" between "is" and "made."
 324, last word in title, for "persons" read "purposes."
 333, line 17 from bottom, before "any" read "of" for "or."
 line 12 from bottom, for "removing" read "removed."
 339, line 20 from top, for "residents of" read "resident in."
 345, line 2 from top, insert "person or" between "any" and "persons."
 348, line 10 from bottom, insert "and" between "for" and "re-surveying."
 384, line 9 from bottom, strike out "the" before "appointing."
 411, line 9 from bottom, insert "a" before "notary."
 436, line 9 from bottom, for "Rots" read "Ross."
 462, line 6 from bottom, insert "is" between "as" and "before."
 470, line 2 from bottom, for "survey" read "surveys."
 488, line 21 from top, insert "per" before "month."
 line 18 from bottom, for "provision" read "provisions."
 492, line 19 from top, insert "at" before "any."
 494, line 8 from bottom, for "cartride" read "cartridge."
 498, line 6 from bottom, for "indequate" read "inadequate."
 507, line 4 from bottom, for "where" read "were."
 514, line 4 from top, for "wanted" read "wanting."
 526, line 15 from bottom, insert "of" after "directions."
 526, line 2 from top, for "undertakers" read "undertakings."
 528, line 5 from top, for "she" read "the."

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